MEMOIRS OF W. W. HOLDEN

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Duke University. Trinity College Historical Society

The John Lawson Monographs
OF THE
Trinity College Historical Society
DURHAM, NORTH CAROLINA

VOL. II

MEMOIRS OF W. W. HOLDEN

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Introduction

The *Memoirs of W. W. Holden,* which form the present volume of the John Lawson Monographs, were written between November, 1889, and March, 1890. Governor Holden was then seventy-one years of age; in 1882 he had suffered an attack of paralysis; and his health was so feeble that he was compelled to dictate the *Memoirs,* his amanuensis being his daughter, Mrs. C. A. Sherwood, of Raleigh. The morning after the manuscript was finished he was again stricken with paralysis, which completely shattered his faculties. His death occurred in March, 1892.

It was Governor Holden's desire that some one should revise his manuscript and see it through the press. For this work he turned to Theo. H. Hill and John B. Neathery, but neither would undertake the responsibility. He also solicited the aid of Gov. C. H. Brogden in composing the manuscript; the only result was the letter, Brogden to Holden, given on page 169.

The conditions under which the *Memoirs* were written explain several characteristics of the work. Governor Holden's power of organizing material had evidently been shattered by age and illness, for frequently questions relating to the Civil War and Reconstruction are discussed out of chronological order, related topics are often widely separated from each other, and the narrative of certain events is repeated. His memory, also, failed him, for there

are some mistakes in detail and facts of much significance are omitted. Doubtless it was in full realization of these conditions that he writes, on page 25: "And further I will say I am not writing a history. While my mind is full of the events of the past, and men and things of which I am writing swarm before my vision, I have not the physical strength to catch and fix them all on paper, or to refer to documents and handle them, and deduce therefrom the actions and the characters of the men concerned. These are simply stray bits of history. I am innocent of any purpose to do injustice to anyone."

On the other hand, there are certain strong, positive features of the *Memoirs*. One of these is a remarkable absence of any vindictive feeling. The narrative of events which might recall the conflicts and bitterness of the past is, as far as possible, omitted. This is notably true of the contest with Judge Ellis for the gubernatorial nomination in 1858 and of the bond issue in reconstruction days. The discussion of bonds was omitted, I am sure, because of personal attachment to some who were concerned in the bond legislation; in fact, Governor Holden once wrote a newspaper sketch of the influences which shaped the issue of the bonds of 1869, but refrained from publishing it on account of friendship for one deeply involved in the measure.

Another characteristic of the *Memoirs* is that when his own policies are under consideration, the author assumes full responsibility and never shifts the burden to others. A striking example of this is the view of the military movement of 1870, known as the

"Kirk-Holden War." Not a word is given in the *Memoirs* of the pressure brought to bear on the Governor by leading members of his party to take military measures. Yet, when measures which did not involve his own responsibility or the integrity of others are under discussion, Governor Holden often displays an insight into conditions and a power of presentation that are far above the average. Such are the descriptions of the Free Suffrage Movement, the Charleston Convention of 1860, and the realignment of parties in North Carolina after secession was accomplished.

Finally, the *Memoirs* reflect many of the convictions of age and experience, the backward view of one who had lived and fought through some of the memorable political campaigns and movements in the history of North Carolina.

In full cognizance of these limitations, the *Memoirs* are given to the public as an interesting and valuable contribution to the history of North Carolina. Editorial emendations have been withheld as far as possible, with the aim of letting Governor Holden speak without restriction. However, to offset his assumption of full responsibility for the military movement of 1870, a letter of Edward Conigland has been inserted as a foot-note to page 176 and in an Appendix has been added the testimony of R. C. Badger before the Senate Committee of 1871, which investigated the relation of Senator John Pool to the Kirk-Holden War. Both Conigland and Badger were counsel for the defense in the Impeachment and speak from knowledge and conviction. For these

additions to the original manuscript of Governor Holden, editorial judgment is alone responsible. Some details of Governor Holden's career not included in the Memoirs are given in sketches entitled "William W. Holden" in the *Historical Papers of the Trinity College Historical Society,* Series III.

Aug. 1, 1911.

WM. K. BOYD.

Memoirs of W. W. Holden

CHAPTER I.

THE DEMOCRATIC PARTY IN NORTH CAROLINA TO 1861

DAVID S. REID AND FREE SUFFRAGE —CONTEST WITH GOVERNOR BRAGG — THE CHARLESTON CONVENTION OF 1860 — THE ELECTION OF FEBRUARY, 1861 — THE SECESSION CONVENTION.

On the first day of June 1843, I became the owner and Editor of the North Carolina Standard, a well known Democratic journal. The Democratic party of the State was at that time in the minority and was depressed. The Whig party had controlled the State from 1836, the end of Governor Spaight's administration, until 1850, the end of Gov. Manly's administration.

The following statement of the vote for Governor will show how the State stood, up to the election of Governor Reid in 1850.

1840.

John M. Morehead, Whig.....	44,484
Romulus M. Saunders, Dem.....	35,903
Morehead's majority.....	8,581

1842.

John M. Morehead, Whig.....	37,943
Louis D. Henry, Dem.....	34,411
Morehead's majority.....	3,532

1844.	
William A. Graham, Whig	42,586
Michael Hoke, Dem	39,433
Graham's majority	3,153

1846.	
William A. Graham, Whig	43,486
James B. Shepard, Dem	35,627
Graham's majority	7,759

1848	
Charles Manly, Whig	42,536
David S. Reid, Dem	41,682
Manly's majority	854

1850.	
David S. Reid, Dem	45,080
Charles Manly, Whig	42,227
Reid's majority	2,853

1852.	
David S. Reid, Dem	48,567
John Kerr, Whig	43,003
Reid's majority	5,564

Governor Reid was therefore defeated in 1848, and elected in 1850 and 1852. This made the State Democratic. In 1854 Thomas Bragg defeated Alfred Dockery by 2,085; in 1856 he defeated John A. Gilmer by 12,628; and in 1858 John W. Ellis defeated D. K. McRae (a Democrat but generally voted for by the Whigs) by 16,383.

I have given these figures to show that the State was Whig under the new Constitution as amended in 1835, up to Reid's election in 1850. In 1836 Edward B. Dudley, Whig, defeated Richard Dobbs Spaight, Democrat, by about six thousand majority, and in 1838 he defeated Ex-Governor John Branch, who was brought forward by Willis Whitaker and others of Wake County, by about fourteen thousand majority.

The State Convention that nominated David S. Reid for Governor was held in 1848 after the nomination of Manly for the same office. I had the honor to prepare the platform which was adopted by that body. Robert P. Dick of Guilford, James B. Shepard of Wake, William K. Lane of Wayne, and myself were the members of the committee who urged the nomination of Colonel Reid on the Convention. He was nominated unanimously, almost as a "forlorn hope". Mr. Manly, his opponent, was a brilliant and able speaker, and the chances against Reid appeared to be as five to one. A committee was appointed to notify him of his nomination and request his acceptance. He replied *declining the nomination,* and I had the letter in type, and was about to go to press. But I looked at the correspondence as it stood in the form in type, and thought of the hopeless condition of the Democratic party if the correspondence with the letter from Colonel Reid should be published in the organ of the party, and I determined to withhold the publication at least for one issue of the paper. I at once consulted with friends as to the course to be adopted, and the result was that Jerry Nixon and

James B. Shepard, Esquires, and Dr. W. R. Scott and myself sent a messenger on horseback, who rode day and night to Reidsville with a letter to Colonel Reid, urging him in most earnest terms *to accept the nomination* and come to Raleigh at once, prepared to enter on the campaign with Manly. I wrote the letter and it was signed by the persons named. The messenger went and returned in the shortest possible time, and the day after he returned Colonel Reid appeared at Raleigh, *accepted the nomination* (stopping at Guion's Hotel) and made ready for the campaign. Therefore, but for what I did, Colonel Reid would not have accepted. Free Suffrage would not have been broached to the people of the State, which was the prime, great, and moving cause of the *first* Democratic victory in the State since 1836, and of all subsequent victories. And not only this, but Free Suffrage was the source of benefit to the State, in that it greatly liberalized the views of public men on legislation. The discussion of the subject in 1848 no doubt led to the assumption of a debt of more than two millions for internal improvements. The Senate was based on taxation, and was therefore not disposed to incur State debts.

Colonel Reid was waited upon by a number of his friends at the Guion Hotel, and full and free conversations were held in regard to the campaign. Mr. Manly had already given notice of his purpose to speak at Beaufort, Carteret County, in the course of four or five days, and it was desired that Colonel Reid should meet and reply to him at that place. The platform on which Colonel Reid was nominated

contained no allusion to Free Suffrage, and he said, "Gentlemen, this nomination was not sought by me, and it has been my purpose for a long time if I should be a candidate for a State office before the people, to broach one issue, which I deem very important. What I mean is that the State Constitution shall be so amended by the mode prescribed by the instrument itself, that all voters for the House of Commons shall be allowed to vote for Senators. What do you say to my taking this ground in the canvass? I mean, of course, no disrespect to the convention that nominated me, but I wish to discuss this question before the people. I want your opinion. I will consult our friend Dr. S. A. Andrews at Goldsborough, and friend Samuel R. Street at Newberne, and friends at Beaufort, and then decide finally what I will do."[1]

The friends present were Dr. Josiah Watson, James B. Shepard, Perrin Busbee, Jerry Nixon, W. T. Rogers, Mark Williams, and myself. Dr. Watson and Messrs. Shepard and Busbee were inclined to decide against it, and Messrs. Nixon, Rogers, Williams and myself were in favor of broaching the issue. Colonel Reid was traveling in his buggy. He had recently had a spell of fever and was feeble, but he reached Beaufort in time to reply to Mr. Manly. In his reply he took ground for Free Suffrage, and Mr. Manly asked to be allowed till next day at Newberne to state his position on that subject. At Newberne he took ground against it, and this sealed the

[1] By the Constitution of North Carolina, adopted in 1776, fifty acres in freehold was required of all who voted for State Senators. [Ed.]

fate of the Whig party in North Carolina, and I so announced in my next paper.

Mr. Manly was elected in August 1848, by 854 votes. In 1849 I wrote to Colonel Reid requesting him to be a candidate again for Governor in 1850. He replied, stating that he was willing to do so, provided he should not be required to approve the proposed Convention at Nashville, Tenn., and the act by the Legislature passed in 1848, chartering the N. C. Railroad. I answered Colonel Reid that on neither question was he expected to commit himself, for the reason that they were both aside from and above the party. And therefore, all that was expected of him was to enforce the law according to the charter of the road — that a man could be a Democrat and at the same time against or for the Road or the Convention. At that time the Democratic party of the State was opposed, by a large majority, to state aid for internal improvements. I remember well at the session of 1846 when the proposition to enclose the capitol grounds was pending, and $12,000 was required to build the present iron fence around it, Colonel John A. Fagg, of Buncombe, said to me, that if I would vote $800 for the Buncombe turnpike road he would vote $12,000 to enclose the capitol square. I told him I would do it. The bill passed by Colonel Fagg's vote, and this was as far as I ever went in what is called *"log-rolling."*

The East was especially opposed to appropriations for railroads and other improvements. In 1848 the Democratic party in the State incurred great danger from divisions on this subject. Colonel Reid,

Colonel Biggs, and many other leading and influential members of the party were indifferent or opposed to internal improvements, while Calvin Graves, and General R. M. Saunders, and Mr. J. C. Dobbin, and Mr. William S. Ashe, and Judge Strange, and Mr. William B. Shepard, and Mr. John S. Eaton, and others, a small minority, were in favor of them. A caucus was held in the Commons Hall at night in 1850, which nominated Colonel Reid for Governor. Mr. John S. Eaton presided. Colonel Asa Biggs offered a resolution to amend the State Constitution, to allow no appropriation for internal improvements unless it had been submitted to the people at the polls. This produced great excitement. General R. M. Saunders arose and declared indignantly that, if that resolution was adopted, 5,000 internal improvement Democrats would stay away from the polls, and Mr. Eaton gave notice, if the caucus passed it, he would no longer preside. Colonel Biggs then arose and withdrew the resolution, and the party was thus saved by the firmness and devotion to principle of that small minority. Colonel Reid was nominated the second time for Governor, and his opponent was, as before, Governor Charles Manly. His majority was 2,853 in 1850. There was another State Convention, and he (Reid) was nominated the third time, his opponent being Hon. John Kerr of Caswell County. His majority over Mr. Kerr in 1852 was 5,564. Towards the close of his second term he was chosen a Senator in the Congress of the United States for four years, and here I take occasion in this, the last paper I shall ever write on public affairs,

to do justice to Governor Reid, by bearing my testimony to his ability and fitness for the post of Senator, and by expressing my regret that I was at that time a candidate for the place in opposition to him. It was really not opposition to him so much as to Governor Bragg, who was elected to the Senate over both of us. A friend who attended the caucus held in Commons Hall to nominate a candidate for the Senate, gave me the caucus vote at the time, which I preserved, as follows:—Bragg 40, Holden, 36, Reid 18. On the second ballot Reid's supporters all went to Bragg, and his vote was 58, Holden 36.

Thomas Bragg, Jr., Esq., of Northampton County, was Governor Reid's successor, and his nomination to the office took place thus:—The Hon. Daniel W. Courts was State Treasurer. In casting about for a Democratic candidate for Governor it was arranged between Mr. Courts and myself that when Mr. Bragg came to Raleigh at the winter term of the Supreme Court in 1854, I was to see him and confer with him on the subject. I did so at the Yarboro House. Mr. Bragg consented to be a candidate for Governor, provided he was nominated without serious opposition. At the proper time I called a Democratic meeting in Wake County, prepared the platform, which was adopted, containing a resolution recommending Thomas Bragg for Governor. Wake County having held the first meeting and thus acted, Bragg's name was taken up generally throughout the State, and at the State Convention held in the spring of that year he was unanimously nominated for Governor. His first opponent was General Alfred Dockery, of Rich-

mond County. Bragg's majority over Dockery was 2,085. In 1856 Bragg defeated John A. Gilmer, of Guilford County, by 12,628. I worked very hard for Bragg, as I had done previously for Reid. In 1854 Bragg's election was put in peril first, by the sudden appearance of the Know Nothings, and secondly, by his indifference towards the proposed railroad through the mountains. General Dockery was openly and boldly for this railroad, and was gaining votes rapidly in the West. I wrote to Bragg in Charlotte, on his way West, in his campaign with Dockery, that if he did not come out boldly and emphatically the signs were he would be beaten. I also wrote to Captain John Walker of Mecklenburg, asking him to urge Bragg to take my advice. Mr. Bragg at once took strong and positive grounds for the railroad to run through the mountains, and he was elected by a small majority in 1854.

In 1858, at a Democratic State Convention held in Charlotte, Judge John W. Ellis of Rowan County, was nominated for Governor.[1] His opponent was Colonel Duncan K. McRae of Newberne, Democrat, supported by that (Whig) party, which demanded a distribution of the proceeds of the sale of the public lands. Ellis was elected by a large majority. In 1860 Governor Ellis was re-elected over Hon. John Pool, of Pasquotank County, who ran on the Whig advalorem ticket, by 6,000 majority.

The next Governor was chosen by the people under

[1] Governor Holden is singularly silent concerning his own candidacy in this convention and his defeat for the nomination by Mr. Ellis. For a thorough discussion, see "The Democratic Convention of 1858," in Charlotte Observer, May 3, 1908. [Ed.]

an ordinance of the State Convention in 1862, of which I shall speak after referring to the then condition of the country.

In the winter of 1859-60 a State Convention of the Democratic party was held in Raleigh and delegates were appointed to a National Convention to be held in Charleston, S. C., to nominate candidates for President and Vice-President.

The delegates appointed to represent the "state at large" were Bedford Brown, William S. Ashe, Waightstill W. Avery, and W. W. Holden. I traveled to Charleston with Hon. Bedford Brown. I found Hon. R. P. Dick there already. And here commences a most important sketch of my history. I had been acting for a long time with the State Rights party, (not of the Yanceyites), but was in accord with Jackson, Van Buren, and Bedford Brown. I was a state delegate, and had a right to speak for the State with Messrs. Ashe, Avery, and Brown.

I was jealous for the so-called rights of the South on the question of slavery, and greatly concerned at the apparently impending election of a sectional candidate for the Presidency.

But I was not a Secessionist nor a Revolutionist. I was strongly attached to the union of the states, and felt myself to be a *national* man. But for what I saw and heard I might have gone with my party and been a Secessionist.

When I reached Charleston I was taken aside by a friend in whom I had full confidence, who said: "Holden, I know you want to do right; I have been

here for a day, and I have information of a purpose on the part of some of our Southern friends to dissolve the Union." I was greatly surprised and concerned. He said to me, "I give you to-night to listen and learn, and in the morning tell me what you think and what your purpose is."

The night of the day on which we all reached Charleston, we held a meeting in our delegation room, and Mr. Senator Bayard of Delaware presided. A motion was made to appoint a committee from our delegation to visit the Southern delegations, and confer with them, mainly because some of them were natives of North Carolina. This motion was opposed by Bedford Brown, R. P. Dick, and myself and voted down. We maintained that it would be a sectional act, and under the circumstances would be improper.

And there I saw the cropping out of the purpose of which my friend had just warned me. Colonel Bedford Brown had just said to me, "Mr. Holden, our delegation has very properly decided not to send officially any one to visit the Southern delegates, but we can go as individuals to a great meeting to be held to-night, near this place, on Charleston street. I propose to go, will you go?" William A. Moore of Edenton was standing by, and said he would go too.

The meeting was held upstairs in a very large room which was filled. I heard several speeches and they were all for dis-union, save the short speech made by Colonel Bedford Brown. Mr. William L. Yancey of Alabama spoke first, for a considerable time. He was followed by Mr. Glenn, Attorney General of

Mississippi. Colonel Brown then took the floor, being called out by Mr. Glenn, who was his kinsman. He made a conservative, union speech, and was interrupted, and scraped, and coughed down. An Arkansas militia general, whose name I have forgotten, and who was unknown in the conflict between the North and South, replied to Colonel Brown and ridiculed his views, amid general and vehement applause. Colonel Brown then turned to me and said, "Mr. Holden, let us shake off the dust, from our feet, of this dis-union conventicle, and retire."

We returned to the Charleston Hotel, and very soon a large crowd, with a band of music, appeared at the front of the hotel. Speaking was going on at various points, and presently some bold fellow in front of the hotel shouted, "Three cheers for the star-spangled banner," and fled for his life. The reply from the crowd was, "*Damn* the star-spangled banner; tear it *down!*"

On my return from Charleston I published all these facts in my paper, and warned my readers of the great, impending danger. The next morning I told my friend who had warned me of the danger of dis-union and of bolting the body, that my mind was made up, and that I would stand by the American Union at all hazards, and to the last extremity. A few days afterwards, while the vote was going on, and while South Carolina and Georgia and Mississippi and Florida and Arkansas and other states south of us were bolting, another friend of mine, Mr. R. C. Pearson of Burke, approached me from the rear and said to me most earnestly, "You

must make a speech and hold our delegation against going out." He had come for me through the Virginia delegation who sat in the rear, " for," said he, " from what I have heard, if our delegates go out, Virginia will go out also, and the convention will be broken up."

I said, " Mr. Pearson, I am not in the habit of speaking very often — there are 600 delegates here and a vast audience — besides, it would be a piece of assurance on my part to attempt to address this body at this time, especially amid this excitement, with Mr. Cushing, the President of the body, hostile to Mr. Douglas and his friends. I can't get a hearing." " Yes, you can," said he, " I will go around and speak to the Indiana, the Illinois, and the Ohio delegations, and ask them when you arise to speak, to insist on North Carolina being heard." I then told him I would try as soon as Mr. Seward of Georgia took his seat. I arose and said: " Mr. President, Mr. Holden of North Carolina." Mr. Cushing sat for twenty seconds and did not recognize me. Then the States mentioned arose and demanded in a voice of thunder that North Carolina be heard. Mr. Cushing arose and bowed and gave me the floor. I spoke for ten minutes. I told the convention that I had been sent there by the State of North Carolina, one of the four delegates at large; that I could not be a party to any steps looking to dis-union; that my party had sent me to maintain and preserve, and not destroy, the bonds of the union; that by an immense majority the people of my state with *George Washington* the Father of the Country, "would frown in-

dignantly on the first dawning of every attempt to alienate any portion of our Country from the rest, or to enfeeble the sacred ties which link together the various parts."

On my return from Charleston I attended a meeting of the delegates of Wake County in the Court House, about 225, to nominate candidates for the Legislature. I made a speech on their call, protesting in most earnest terms against secession and disunion, and resolutions were adopted by the meeting embracing and sustaining all my views on this absorbing question. Only one man of that large body voted for dis-union.

The Honorable George E. Badger, who had been identified as a member of the Whig party with the cause of the Union, and who had served the "National Government" both as Senator in Congress and as Secretary of the Navy, with Quentin Busbee and myself, were candidates in Wake County as Union Democrats for a convention which was to be called, if the people at the polls voted for it. The election of the delegates to the state convention, and *for* and *against* the convention was set for the 22nd day of February, 1861. Party lines were totally swept away, and the people voted against the convention, and the delegates-elect just named of course never met. But in May an act was passed by the Legislature for an election of delegates to assemble in Raleigh on the 20th of May. Of course this convention assembled, for the first convention which was rejected, was never held. The vote of Wake was as follows:— for Badger, 1952, Holden 1937, Busbee 1936. The vote of

Raleigh was:—Badger 712, Holden 703, Busbee 694, that is to say in the county 1952 for the Union, and 758 for Secession, and in the city 712 for the Union and 81 for Secession.

In February 1861, on the morning of the election, I voted about 10 o'clock. Soon after I met Mr. Badger. He asked me good humoredly if I had voted the ticket. I told him I had voted for himself, and Mr. Busbee, and for the convention. He expressed surprise at my vote for a convention, and asked my reasons for thus voting. I replied, "Mr. Badger, today the people of the State will elect 80 union and 40 secession delegates, and if the convention carries and is assembled, we can take steps to prevent secession and save the union." He then voted for Mr. Busbee and myself and for the convention. The result of this election showed that I had properly estimated the delegates elected, (as for the Union and Secession.) There were for the Union 83, for Secession 37.

In May of the same year Mr. Badger and Mr. Kemp P. Battle, (now President of the University) were with myself candidates for the convention. This was after the firing of the first gun by the Confederates and after the call by Mr. Lincoln for troops from all of the States to put down secession in the South. North Carolina could no longer be held for the Union, but went with the Southern States in the contest for independence. The friends of the Union had assumed the names of Conservatives, and those of the opposite party were still called Democrats. The delegates met in Convention in

Raleigh on the 20th of May, and the body was organized by the appointment of Hon. Weldon N. Edwards as President. The Hon. William A. Graham, of Orange County, was voted for against him. Mr. Edwards' majority was about 20. On that day the Ordinance of Secession was passed; the Democrats insisted on Burton Craige's Ordinance which simply repealed the act of 1789 by which the State became a member of the American Union. Mr. Badger's proposition to amend Mr. Craige's Ordinance was defeated. The Conservatives voted to amend Mr. Craige's Ordinance by inserting Mr. Badger's Ordinance in its place. Mr. Badger's Ordinance proclaimed revolution and contained the reasons why the State resisted Mr. Lincoln's call for troops to coerce the Southern States.

I voted for Governor Graham for President against Mr. Edwards. I had been opposed to Governor Graham in politics for 17 years, and acting with Mr. Edwards as a Democrat for 17 years, but Mr. Edwards had been a secessionist, and Governor Graham had been and was a Union man, and I voted accordingly. In the Convention Mr. Badger Ex-Governor Graham, and myself sat near each other, and Governor Graham the next day sent me word by Mr. Ben Kittrell, of Davidson County, now deceased, that he proposed that we should be reconciled and on speaking terms, "for," said Mr. Kittrell, "Mr. Graham has just said to me, he believes you are a true man." I replied to Mr. Kittrell, "Please say to Mr. Graham, I would like to be on speaking terms with him, but how shall it be effected?" He

said, " Mr. Graham has arranged all that. He says you are the youngest man, and should approach him first. You have both about equally offended each other. He says when the Convention adjourns today, he will stand in his place near his seat, and as you approach him he will extend his hand and shake hands." I was glad to be on speaking terms with Governor Graham, and during the session and afterwards, I conferred with him freely and profited by his advice.

Mr. Badger and myself had also been on indifferent terms, until in the Court House on the day he accepted the nomination, I having just accepted mine, he approached me through the bar and offered his hand which I cordially and gladly accepted. The audience knowing our alienation approved it, with thunders of applause.

The Convention, in which I served for some time, consisted of about 70 Democrats and 50 Conservatives. Their political antipathies were deep and strong, yet they controlled themselves admirably, and nothing occurred to interrupt their personal friendships. I remember well, that when the act of secession was consummated, the body looked like a sea partly in storm, partly calm, the Secessionists shouting and throwing up their hats and rejoicing, the Conservatives sitting quietly, calm, and depressed.

CHAPTER II.

WAR POLITICS

THE NOMINATION OF VANCE — CONFEDERATE AND STATE POLITICS — THE LAUREL VALLEY AFFAIR — EDITORIALS OF APRIL, 1865 — EDWIN G. READE TO THE CONFEDERATE SENATE IN 1864.

It was during the session of that Convention[1] that the candidates for the office of Governor were agreed upon. Colonel Z. B. Vance was in Raleigh in December 1861, on his way to Washington City. In all respects he was a devoted friend to the Union of the States. He spoke twice in Raleigh to large audiences, one night in the Court House and one night in Commons Hall. He was on each occasion in a very serious frame of mind. All the portents indicated bloodshed and war. He spoke on both occasions for more than an hour, and though his manner and style up to that time had always been full of anecdote and fun, yet he was first and last as sober as a judge. He was too deeply in earnest to make a joke or provoke a laugh.

That great tribune of the people, Henry Watkins Miller, spoke in Commons Hall at the same time, and the people of all parties, who were present in large numbers, hung on and endorsed their words.

During the winter and spring of 1862, the Conservatives of the State were casting about for a candidate for Governor. Z. B. Vance and Ex-Governor

[1] There were four sessions of the Convention, the last in April, 1862. [Ed.]

Graham were nominated in various counties, but the latter declined in a card, published in the *Standard.*

The Reverend William E. Pell was then employed by me as Assistant Editor of the Standard, and I requested him to call on Governor Graham, who was then in Raleigh, and urge him to be a candidate. Mr. Pell did so and had a long conversation with Governor Graham on the subject and on public affairs. I also asked Mr. Badger to see Governor Graham and urge him to run for Governor. Mr. Badger declined to do so, and said Graham had been Governor once for four years, and would have the trouble and expense of moving his family to Raleigh, and also no doubt be involved in troubles and difficulties with the central government at Richmond, and that when this should occur, as he feared it would, he did not want Ex-Governor Graham to point at him and say, "Badger, you helped to involve me in all this trouble." I then determined to fix on Z. B. Vance for Governor. I felt that being a Democrat, and Vance a Whig, his nomination had better proceed from a Whig — for example, the *Fayetteville Observer.* I wrote therefore at once to Augustus S. Merrimon of Asheville, Buncombe County, to come to Raleigh and aid me in the work of bringing Vance forward. I had heard Mr. Merrimon speak in the House of Commons in the fall of 1861 with marked ability and power for the Union. He was a young man of the highest promise. He has since been a Senator in Congress, and is now Chief Justice of the Supreme Court of North Carolina. After consulting with Mr. Merrimon, he

went to Fayetteville and consulted with Mr. Hale. Mr. Hale said to Mr. Merrimon that I (Holden), having been a Democrat, was the proper person to raise Colonel Vance's name. Mr. Merrimon then wrote a brief article which appeared under the editorial head of the *Observer,* marked "communicated," nominating Vance for Governor. He then returned to Raleigh by way of Kinston — Colonel Vance being at Kinston with his regiment — and obtained from him his letter of acceptance, and reached Raleigh with it. A meeting was held in the office of Daniel G. Fowle[1] (now Governor of the State) in a house then standing on the site of the present Henry building on Fayetteville St. There were present in this meeting Honorable Daniel G. Fowle, Colonel W. H. Harrison, A. S. Merrimon, Esq., Colonel James F. Taylor, and myself, and on the 4th day of June 1862, I hoisted Vance's name for Governor. The election took place in August, 1862, and Vance's majority over Colonel William Johnston of Mecklenburg was 33,975. The vote of Wake County was:—Vance 2,269, Johnston 489. The following is Colonel Vance's letter of acceptance:

[1] Daniel G. Fowle now Governor of this State is a native of the County of Beaufort, N. C. When a young man he settled in Raleigh as a member of the bar. He had in Wake County court a case in Detinue among other cases. He had made his argument and Mr. Badger who was presiding in the Court charged against him. He asked to be heard and spoke for a little while on the law in the case. Mr. Badger asked him to stop. He said, "The counsel has refreshed my mind on the ancient principles in the case. I have heard him with pleasure and thank him for his citation of the old principles in the case. Believing him to be correct, I withdraw my charge to the jury". This incident was the town talk for some time and did Mr. Fowle much good in his profession. I trust he will be always as fortunate in his positions and views, as he was on this occasion with Mr. Badger.

In the *Standard* of Dec. 12, 1862, I used the following language in relation to Col. Daniel G. Fowle. "He is destined, if his life and health should be spared, to achieve an enviable State reputation."

HEADQUARTERS N. C. TROOPS,
KINSTON, June 15, 1862.

EDITOR OF THE STANDARD:—A number of primary meetings of the people, and a respectable portion of the newspapers of the State, having put forward my name for the office of Governor, to which I may also add the reception of numerous letters to the same purport, I deem it proper that I should make some response to these flattering indications of confidence and regard.

Believing that the only hope of the South depended upon the prosecution of the war at all hazards and to the utmost extremity, so long as the foot of an invader pressed Southern soil, I took the field at an early day, with the determination to remain there until our independence was achieved. My convictions in this regard remain unchanged. In accordance therewith I have steadily and sincerely declined all promotion, save that which placed me at the head of the gallant men whom I now command. A true man should, however, be willing to serve wherever the public voice may assign him. If, therefore, my fellow-citizens believe that I could serve the great cause better as Governor than I am now doing, and should see proper to confer this great responsibility upon me, without solicitation on my part, I should not feel at liberty to decline it, however conscious of my own unworthiness.

In thus frankly avowing my willingness to labor in any position which may be thought best for the public good, I do not wish to be considered guilty of the affectation of indifference to the great honor

which my fellow-citizens thus propose to bestow upon me. On the contrary, I should consider it the crowning glory of my life to be placed in a position where I could most advance the interests and honor of North-Carolina, and, if necessary, lead her gallant sons against her foes. But I shall be content with the people's will. Let them speak.

Sincerely deprecating the growing tendency towards party strife amongst our people, which every patriot should shun in the presence of the common danger, I earnestly pray for that unity of sentiment and fraternity of feeling, which alone, with the favor of God, can enable us to prosecute this war for Liberty and Independence against all odds, and under every adversity, to a glorious and triumphant issue.

Very sincerely yours,

Z. B. VANCE.

Gov. Vance was elected Governor in 1862. He was in the Confederate service at the head of a regiment raised partly in Buncombe (his native) County. He participated in the battle below Newbern under General L. O'B. Branch. Gen. Branch was defeated and Newbern was occupied by the federal forces. Col. Vance retreated in a masterly manner, crossing the Trent river and reaching Kinston where he remained until nominated for Governor. He had been engaged with his troops in the great battle of Malvern Hill which was fought on the 3rd day of July 1862, and his friends were anxious for his promotion to be a brigadier, and therefore he had received authority to form a legion of men to be as

large a body of men as a brigade. In the Spring of 1862 it was stated in the *Standard* that forty (40) companies had tendered themselves to Vance to form his Legion. The Adjutant of his regiment under orders of Col. Vance applied to the War Office at Raleigh for tents and all necessary articles for a camp at Kittrell Springs for his Legion. The request was granted, and the Adjutant left the Office and had reached the northern gate of the Capitol, when he was called back by an officer and the order taken away and refused. The question occurs again and again, why was not Vance made a brigadier by the powers at Richmond? When Governor, and before, in the ensueing August he went to Richmond to confer with Mr. Davis, he and I noted the fact that Mr. Davis had appointed twenty-one brigadier generals and all Democrats but one, and that one was General R. B. Vance, his brother.

The truth is a very sad one, that it was a party war on both sides. Mr. Davis and his government at Richmond were Democrats. Mr. Lincoln and his government at Washington were Republicans. Party and faction ruled the hour. Governor Vance went to Richmond in August, 1862, and remained four or five days. I know the fact that he felt that Mr. Davis had treated him badly as a party man. Vance himself showed no party spirit and no spirit of faction in his high office. He had full and free conversations with Mr. Davis and others high in power at Richmond. Soon after this the Hon. John H. Haughton of Chatham wrote him a letter, and he replied to it stating views and opinions which were, as I deemed

them, very extreme and violent. I thought it an ultra war letter and calculated to dim the prospects of peace between the two sections. He showed it to me and asked my opinion of it. I dissented from its tone. He then sent it to Governor Graham and asked his opinion as to whether he should send it to Mr. Haughton and publish it. Governor Graham struck out the material portion of the letter and greatly changed it. The letter was never published, but much of it appeared later in one of his proclamations.

A short time after this Governor Graham was invited to Raleigh, and I was sent for to come down and meet him at the Governor's Mansion. I went down in company with F. E. Satterthwaite, Esq., of Washington, N. C. Mr. Satterthwaite agreed with me, but took no part in the conversation. Governors Graham and Vance and myself talked for a long time on the state of the country. About that time I was publishing a series of proceedings of peace meetings in various counties. Gov. Vance was opposed to to them. I told him the people had a right to assemble and express their opinion and petition for redress of grievances, but I did not approve of propositions to return to the union unconditionally; yet the people who held these meetings were the men who elected him Governor. Governor Graham in this respect seemed to concur with me more than Governor Vance, and he said to me, "Mr. Holden, what can we do? You have spoken very strongly of the Confederate Government at Richmond. Where is the remedy? It is the only Government we have — we owe a great deal to the states that went out with us — we

did not want to go out, but the pressure was so great that we had to go with them, and as a matter of honor we could not abandon them. I am not without hope that the crisis will be upon us in the ensueing Spring, when the troops will then cease to re-enlist." The meaning of which was, as I understood it, Governor Graham feared that the troops would fail to re-enlist, and the Confederate Government would be greatly embarrassed. He added, "Let us worry through the fall and winter as best we may." Governor Graham said he hoped that I would in my paper counsel the people to submit to the laws, although the officers appointed to collect the tithes were mainly Virginians and Marylanders, and therefore there was danger of the people resisting the law because the officers were from other states. I told him I would do so in my next issue, and I did so, and counselled the people to obey the law, no matter who the officers might be.

This was the beginning of the wide separation between Governor Vance and myself which resulted in my opposing him for Governor in 1864, and here I may say, and do say in the most emphatic manner, that I have never questioned his integrity, nor his honor, nor the sincerity of his devotion to his principles, or to the people whose servant he was and is.

And further I will say I am not writing a history. While my mind is full of the events of the past, and men and things of which I am writing swarm before my vision, I have not the physical strength to catch and fix them all on paper, or to refer to documents and handle them, and deduce therefrom the actions

and the characters of the men concerned. These are simply stray bits of history. I am innocent of any purpose to do injustice to anyone.

As I have said, Governor Vance but one month before his election for Governor was unavoidably obliged to be engaged in the great battle of Malvern Hill. If he had been slain in that battle, the people of North Carolina would have been put to loss and sadly grieved. Without asking for it, or his friends asking for it, he ought to have been furloughed as soon as he was announced as candidate for Governor, and my belief is that this would have been done if he had been a Democrat.

Governor Vance was inaugurated on the 8th day of September, 1862. There was a large crowd of people in Raleigh on this occasion. He was inaugurated on the western front of the State House, on the same spot where Henry Clay made his speech in 1844. He was destined to be the great Conservative War Governor of the South. Before his inauguration I called upon him at the Yarboro House, and he showed me his inaugural speech in manuscript, and asked my opinion of it. It was a good document of its kind. He made one alteration at my suggestion. He had referred to the conscript law as constitutional; he altered it so as to make it read that it *might* be constitutional. I had always regarded it, under both governments, old and new, as unconstitutional. Hon. William Gaston, in a great speeech in the House of Representatives in Washington City in 1812, during the war with Great Britain, had declared conscription unconstitutional, and had vehe-

mently opposed it. There was no power under the old government or the new to enact it.

The idea of sending free citizens of the States from their homes to camps of instruction against their will, to be trained to fight for liberty, was, to say the least, absurd. The war should have been a voluntary one, and if force had been necessary to be used to put men in the Southern Army, that force should have been used by the States themselves, and not by the Confederate Government. When that law was passed by the Confederate Government over the States and enforced by that Government in the States, every vestige of constitutional liberty in the States vanished.

For holding these views, which I did sincerely, the separatioin between Gov. Vance, myself, and Mr. Davis was still more widened, not that Vance preferred the conscript law, and not that as far as he could he did not acquiesce in injustice to North Carolina, yet he was powerless under the circumstances to defend his State against the agressions of the central power.

In Deecmber 1862 occurred the famous or rather infamous execution of loyal men in the Laurel Valley, in the County of Madison. Mr. Augustus S. Merrimon then Solicitor in the mountain district reported the facts to Governor Vance. I called at his office to get the facts. Governor Vance was very indignant. His form dilated as he said, " This was done by Colonel Keith of the 64th N. C. and I will write to Mr. Seddon, Secretary of War at Richmond, to have him courtmartialed, and I will follow him

(Keith) to the gates of hell or hang him." The facts were, that a body of men and boys, eight or ten, had made a raid from Laurel Valley to Salisbury to get, as they said, their share of salt, and going and returning committed outrages by taking property, etc., on their route. For this Lt. Colonel Keith, commanding the 64th regiment in that locality, arrested them — men and boys and some women — and shot them and buried them on the spot in trenches. The women, with ropes around their necks, were whipped. One of the boys, about fifteen years old, was shot and not killed. His arm, badly shot, hung by his side. His mother begged for his life and Colonel Keith killed him by shooting him in the head with a pistol. Mr. Seddon, Secretary of War, had Colonel Keith courtmartialed at Governor Vance's request, and Colonel Keith on the trial justified himself by showing that he had acted in the matter by the authority of General Harry Heth. Afterwards, at the close of the war, Colonel Keith was arrested and lodged in Raleigh jail. He thus strangely enough fell into my hands to be sent to Madison County for trial for this crime. The Sheriff of Madison County with the deputy called on me for him. I told him (the Sheriff) that I had heard that Keith's life would be in danger at the hands of the friends of the murdered people, if he was carried through Buncombe and Madison to the jail in the latter county; and that he must promise me as the condition of the delivery of Keith to him, that he would take him by way of the East Tennessee railway, to a point west of Madison County, and deliver

him from that point to the jail of the county. He promised to do this, and Keith was thus delivered safely to the jail to be held for trial for this outrage, but he escaped from the jail and fled the State, and I, as Governor offered a reward of $500 for his apprehension and detention, and this is the last I have heard from Keith. It is thought he escaped to California. He may be alive yet. And thus the blood of these people is still unavenged. I refer to this unhappy matter as a specimen of many events which took place to embarrass and trouble Governor Vance.

But these were only the beginnings of troubles and sorrows. This opens the year 1863. Through this year and the next, 1864, and half of the next, 1865, until Sherman and his mighty army reached here, in April, for two years and six months we worried and fought on, and suffered as no people have ever worried, and fought and suffered in civilized ages or States. I have ransacked repeatedly all the chambers of my memory in relation to these things, and I here state unreservedly that history contains no account of a people who have endured more for the sake of their principles and liberties, as they understood them, than the people of North Carolina. Modest, unselfish, brave beyond the common run of men, they have never demanded what was not by right their own, and never submitted cravenly to injustice or wrong — and with the help of God they never will! And I also state unreservedly, having said thus much, that ZEBULON BAIRD VANCE, their leader in all these things, was and is, their foremost man in all their annals, old and new. I know whereof

I speak. As to mere bravery it is useless to speak. The number of those who went to battle and steeled and hardened themselves for their State and her cause, is legion. It would be in vain to attempt to point out the meritorious among the thousands and thousands in the ranks, among the privates who stood for and died in her service, and those of them of this stamp who survive can be trusted implicitly, for brave men are never treacherous, but will do what they promise. In the presence of the shades of the dead and in the presence of those who survive, I would name but two men of all that vast number, (and I might name thousands), but I refer to only two men who were the bravest of the brave. I mean *Clark Moulton Avery,* of Burke County, and *Bryan Grimes,* of Pitt.

And so we worried on and suffered and fought till Sherman came in from the South in April, 1865. Gov. Vance sent Ex-Gov. Swain and Ex-Gov. Graham to meet Sherman to surrender the City of Raleigh and ask for terms. They met him a few miles south of the City. He told them he had no power to treat, and they effected no special terms, yet they received the impression the City would be spared if no resistance were near it, or in it. General Sherman reached here on the 15th of April with 75,000 men, which were encamped in and around the City. Governor Vance of course had left for the western part of the State. Gen. Sherman afterwards undertook to make a covenant with General Joseph E. Johnston, commanding the Confederate Army which when reported to President Johnson at Wash-

ington City and his Secretary of War, Mr. Stanton, was not approved. The State was not to go back with her then government as she was, but the new administration of Johnson, who had just succeeded President Lincoln, determined to restore the States lately in rebellion to their new relations to the National Government. It was not reconstruction, but *restoration* which was then proposed. The following order from Gen. Sherman, which appeared in a Raleigh paper, contains the grateful assurances of peace:—

HIGHLY IMPORTANT ORDER.

We are indebted to the courtesy of Gen. Sherman for the following highly important Order, which we lose no time in laying before our readers.

We have only time to say that the assurances of a speedy Peace which this Order contains, will cause a thrill of joy in the breast of every true American.

HD'QRS MILITARY DIV'N OF THE MISS.,
IN THE FIELD,
Raleigh, N. C., April 19th, 1865.

SPECIAL FIELD ORDERS, No. 58.

The General commanding announces to the army a suspension of hostilities and an agreement with General Johnston and other high officials which, when formally ratified, will make peace from the Potomac to the Rio Grande. Until the absolute peace is arranged, a line passing through Tirrell's Mount, Chapel Hill University, Durham Station and West Point on the Neuse River will separate the two armies.

Each army commander will group his camps entirely with a view to comfort, health and good police.

All the details of military discipline must still be maintained, and the General hopes and believes that, in a few days, it will be his good fortune to conduct you all to your homes.

The fame of this army for courage, industry and discipline is admitted all over the world. Then let each officer and man see that it is not stained by any act of vulgarity, rowdyism, or petty crime.

The Cavalry will patrol the front line; Gen. Howard will take charge of the district from Raleigh up to the Cavalry; Gen. Slocum to the left of Raleigh; Gen. Schofield in Raleigh, its right and rear.

Quartermasters and Commissaries will keep their supplies up to a light load for their wagons, and the Rail Road Superintendent will arrange depot for the convenience of each separate army.

By order of

"'MAJ. GEN. W. T. SHERMAN.

L. M. DAYTON, A. A. G.'"

In the *North Carolina Standard* of April 20th, 1865, I used the following words:—

"Our people are just emerging from a desolating war, and a large majority of them are destitute not only of the comforts but of the necessaries of life. They have been compelled to drink the cup of 'peaceabel secession' to the dregs. They have lost life, property, comforts, everything but honor; and at

one time many of them feared that even hope was gone. The contest is now virtually at an end, and it is the duty of every good citizen to strengthen the arm of just authority, and to aid in bringing order from chaos, so that industry may be protected and rewarded and our former prosperity and happiness restored.

" Up to the hour when the states south of us madly shot from their appropriate orbits in the federal system, the hands of the federal government had never been laid upon them but to protect and benefit them. The old flag never waved whether on land or sea but for their protection. And now, after a long and most desolating war between brethren, let us hope that the same flag, restored to its original place in the heavens, will wave as *our* flag once more and forever, protecting everyone who may rest or labor under its gorgeous folds. We feel sure that it will. We feel sure that our recent enemies are now generous friends. We see, and hear, and feel this in all they say and do in our midst. But the ocean, after a storm, does not immediately subside. The great waves still roll, and the "white-caps" are seen upon the breakers. It is so with society. Our people will need, for months to come, the strong arm of military power to protect them in their pursuits, and to restore order to society. It is not for us to say by what mode this shall be accomplished, but only to declare our conviction that it is indispensable. Under proper auspices, and with the incitement to renewed labor which all our people will have, we may hope again to see our fields growing green for the future harvests, our work-

shops crowded with industrious mechanics and artisans, our commerce whitening our waters, our schools resuming their operations, and plenty and happiness beaming among us. Let us look forward with hope to the good day which seems to be ahead of us, and endeavor to forget the sufferings through which we have passed. 'The gods help those who help themselves.' Let us all cheerfully 'accept the situation,' and go to work to improve our condition. We are all comparatively poor, but we have friends who will aid us,—we shall have the protection of a strong and good government, one that will extend to us credit for what we may need, and take pleasure in encouraging us in our efforts to restore our former prosperity."

Also in the *Standard* of April 24, 1865, I wrote as follows:—

"One of the most difficult and perplexing questions to be settled is the relation which must subsist in the future in this state between the white and black populations. Everyone agrees that slavery will cease to exist, but the question now is, What must be the relative condition of the two races for the next few months? And, What must be the ultimate status of the colored race?

"The negro is not to blame for any of the sufferings entailed upon him by this war. It is not his fault that the children of Washington have been destroying each other in battle, nor can he reproach himself with the reflection that he has contributed either by word or deed to the privations and suffer-

ings he is now enduring. He has been docile, and faithful, and even affectionate towards his owners for long generations; and when we add the fact that he is the innocent cause of all this strife and all this bloodshed, we perceive at once that he has strong claims on the sympathy of every right thinking person.

"Governor Brownlow, of Tennessee, whose judgment in all matters is entitled to respect, is in favor of providing for the colored race a separate and appropriate amount of territory, and settling them down permanently as a nation of freedmen,—and there is much force and propriety, it seems to us, in this suggestion, for the two races could not well live in harmony together as free races; but the question still presents itself, What must meanwhile be the condition of the colored race?

"Thousands of these people are leaving their own homes and following the Federal army. They are crowding into our towns and villages, subsisting on government rations, contracting diseases, and incurring fearful risks in their morals and habits of industry. Many of them, it is true, are compelled to follow the army in order to procure food, for the provisions on most of the farms have been swept away. But our advice to them is to remain at home and continue to labor for their old masters at fair wages, except in those cases in which they feel that they owe it to themselves to seek new homes. In Maryland, for example, the great bulk of these people have remained at their former homes, are receiving wages for their work,

and are contented and happy. These persons will find that mere freedom will be a curse, unless it is followed by habits of industry and sobriety. The government has no idea of supplying them with rations as a permanent thing. It does so now, and only for a short time, to keep them from starving. They will have to work, and work hard for a living, and we warn them of this in time.

"If a state convention should abolish slavery, that body would most probably define the relations between the two races; and if the states should adopt the amendment proposed by Congress abolishing the institution, the latter body will define those relations. Meanwhile we say to the colored people remain where you are, cultivate habits of industry, preserve your morals against the manifold temptations that will beset you, and endeavor by your conduct to secure the respect and confidence of all good people."

And having given facts thus far up to the time Gen. Sherman entered Raleigh, I must now go back to January, 1864, to an event which shows the character and bearing of North Carolina throughout the entire struggle. In January, 1864, Gov. Vance appointed the Hon. Edwin G. Reade to the Confederate State Senate from the County of Person, to fill the place of Hon. George Davis of New Hanover County, who had been appointed by President Davis Attorney General of the Confederate States. Soon after taking his seat Mr. Reade delivered a speech reported as follows:

"SENATE OF THE CONFEDERATE STATES,
Saturday, Jan. 30th, 1864.

"Mr. Reade, of North Carolina, introduced a joint resolution of thanks to certain North Carolina troops who had re-enlisted for the war, which is as follows:

'The Congress of the Confederate States having learned through the public press of the re-enlistment for the war of the North Carolina brigade in the Army of Northern Virginia, serving under General Robert D. Johnston, do

Resolve, That the patriotism and spirit of the North Carolina troops, evinced by their prompt and voluntary devotion of themselves afresh to the services of the country are beyond all praise and deserve the unbounded gratitude of the government.'

"In support of the resolution, Mr. Reade said:

'Mr. President:—It is with much State pride and personal pleasure that I offer this resolution for the consideration of Senators, and ask their favorable action.

'In this great war we need all our strength. But what is strength in war? It is not the multitude of faint hearts and nerveless arms which achieve success; these are burdens rather than helps. It is spirit that moves an army and makes it irresistible.

'These troops have been in service for years. They are scarred and worn. They are away from their homes where they have much to love. But they tarry not for these. They await not your bidding, but they spring to action as springs the tiger from his lair. This, Senators, is strength in war.

'I would be proud of them if they were the soldiers of any other State. When, a few days ago, the Senator from Tennessee offered resolutions appreciative of like conduct on the part of troops from his State, my affection ran out after them. And I grew larger as I remembered that Tennessee was North Carolina's daughter, and that North Carolina, like a mother, had only allowed her queenly daughter to be a little in the front.

'The conduct of these troops, Senators, is in consonance with the spirit of all the troops from North Carolina during this war, and of her people at home as well. Yet malicious rumor has thrown the stain of disloyalty upon her name. It matters nothing that not a man has staid at home who was called to the field; it matters nothing that they have swelled every triumph and staid every reverse; it matters nothing that every legitimate burden has been cheerfully borne by her people; it matters nothing that her youthful Executive, called from the field to his responsible position, has so managed her affairs, internal and external, as to have obtained the name "Model Governor"; it matters nothing that her Convention was unanimous and her Legislature provident; nothing matters. Malignity says she is disloyal, and disloyal she must be. I will not make the Senate the arena for battling with this malignant charge against North Carolina. Her reputation is very dear to me. It can scarcely be less so with you, Senators; but that resolution depends not upon any poor word of mine. She calls up the history of the

past as witness of what she is now, and will be hereafter.

'I do not conceal from Senators that there is dissatisfaction in North Carolina. And the question is again and again asked, "What does it mean?" It is easy to tell you what it does not mean, and quite as easy, but much more tedious, to tell you what it does mean. It *does not mean disloyalty.*—It means rather an excess of loyalty to the State, without any abatement towards the Confederacy.—This ought to be satisfactory, at least to all outside of the State.

'I will only mention a few of the annoyances which she has suffered. Her people are sensitive and spirited, as easily led as a child, in the right way, because they are a good people. But against the front of offense she stands a giant form.

'Very early in this struggle, an order was sent to North Carolina, which, so far as as I know, was sent to nowhere else, to deprive citizens of their arms, "good, bad and indifferent." I believe I quote the words; I am sure I have the substance. This may have been all very innocent; but the impression was made, not unreasonably, that the purpose was to disarm her because she was suspected. Time and again her citizens have been arrested, without warrant and without cause, and thrown into prisons in Richmond and elsewhere.

'The decsions of her judiciary have not been respected.

'Many of the offices in the State, to which her citizens were entitled by courtesy, if not of right, were filled by obnoxious strangers.

'Suspicions, distrusts and threats on the part of the authorities, have chafed her continually. And Senators have doubtless heard, as I have, that it has been gravely considered whether force ought not to be employed to overawe and silence her people.—Distrust of her has begotten distrust in her towards them, and now she is alarmed afresh at the dangerous powers which it is proposed in Congress to confer.

'Just now a new clamor is raised against the State, because the propriety of calling a Convention is being discussed. I know nothing of that movement except what is before the public. Its enemies say it means mischief; its friends say it does not. I suppose its friends ought to know best. But however this may be, let me enquire when was it ever before that a Convention in North Carolina was an occasion of alarm to her friends. Was it that first little Convention in Mecklenburg, or was it her last Convention, when she unanimously assumed the position she now holds? I speak against no party and for no party. I speak for the State. I say that whether she call a Convention or not, or whatever else she may do, will be so marked with propriety that others in time to come, as in time past, will evince their high appreciation of it, by claiming that she was not the first to do it, but that they were.

'Appreciate North Carolina, Senators, as I ask you to appreciate the gallant bearing of these her soldiers, and her people, whether at home or in the field, will be faithful to every pledge she ever gave you."

"The resolution being read the requisite number of

times, was considered in committee of the whole, and, no amendment being proposed, was adopted, and ordered to be sent to the House of Representatives.

On motion of Mr. Semmes, the Senate adjourned."

As I have stated, Gov. Vance appointed Mr. Reade to the Confederate Senate in January, 1864. A better appointment could not have been made. Mr. Read had been reared a Whig of the old Henry Clay school, like Gov. Vance. In 1861, after secession in this State, party names had ceased with the exception that a fragment of the old Democratic party remained. Mr. Reade was a Conservative, as were the 30,000 majority who had in 1862 voted for Vance, as against Johnston. Mr. Reade simply spoke forth in his place at Richmond the "words of *truth* and soberness." It is not true that North Carolina was divided in her resistance to the coercive policy of the federal government, or that any one was disposed to submit unconditionally to obtain peace, but party feeling was all the while manifesting itself with great bitterness, and injustice in that fragment of the so-called Democratic party. It was this fragment that had produced the impression referred to by Mr. Reade, that the Confederate government thought of coeercing the people of North Carolina. I remember well that in 1861, I was present at two meetings held in Raleigh composed of the Conservative members of the Convention, over which Ex-Governor Graham presided. The first meeting was held at my house. It was held with closed doors, because of the bitter opposition of this so-called fragment. Conservatives

were those who had been previously Democrats or Whigs.

The great object of the Conservatives was to strengthen on the one hand the Confederate government in its effort to resist the subjugation of the Southern States, and meanwhile to preserve among our people the old fashioned principles of States Rights and personal liberty. The first meeting was held at my house, and the second at the house of Henry Watkins Miller. I was present at both, and heard and saw all that was said and done.

Mr. Gilmer, Ex-Governor Graham, Mr. Robert P. Dick, Mr. Miller, Lieut. Merritt,—a young member of the bar from Chatham who afterwards died in battle for the South—and others spoke, setting forth their views as Conservatives, as Confederates, as the fast friends of civil liberty at home, whilst their friends and brothers were fighting for liberty abroad. The *Raleigh Standard* was the well-known organ of all these men, a paper which itself had been the means of putting into the service of the States at least 10,000 soldiers, and which though differing in political sentiment with the administration at Richmond, was neverthelesss true to the Confederate cause. Anyone who is regarded by sane men as sane as themselves would not for a moment doubt the honesty or the patriotism of such men as Badger, Graham, Gilmer, Bedford Brown, Robert P. Dick, Joseph S. Cannon, or in fine of the fifty members of the secession convention of 1861, who were known as conservatives. Mr. Senator Reade in standing for and speaking for the people of the entire State, meant

to include these fifty conservatives, as well as the seventy members of the same body, who were called Democrats.

In 1865, while I was provisional Governor, B. F. Moore, Esq., who was one of my confidential friends and advisors, asked me to obtain a pardon from the President for Hon. William T. Dortch, of Goldsborough. I told Mr. Moore that he knew the instructions I had received from the President, not to be too forward in obtaining pardons for distinguished persons like Mr. Dortch, who had been a Confederate Senator, and that I could not obtain his pardon then, but would as soon as practicable. The next day Mr. Moore called again, and asked me as a favor personal to himself to get the pardon. I told him I would do so, and when I obtained it and handed it to him he said: "I could not tell you before, but will tell you now, my reasons for asking for it. Mr. Dortch was my law student, and I esteem him highly. He told me that Mr. Davis had my name and your name and the name of the Hon. Richard S. Donnell on his list to be arrested for disloyalty, and that he (Mr. Dortch) had induced Mr. Davis not to do that. I could not tell you this as an inducement to obtain his pardon, but I tell you now as you have given me his pardon." I state this simply as a matter of fact, and with no purpose to reflect on Mr. Davis. He was misled and misinformed by certain parties in North Carolina.

CHAPTER III.

PROVISIONAL GOVERNMENT AND RECONSTRUCTION INCIDENTS.

SCENES AT WASHINGTON, MAY, 1865 — PROVISIONAL GOVERNOR — PARDONS —THE ELECTION OF 1865 — CRITICISMS OF MOORE'S SCHOOL HISTORY OF NORTH CAROLINA ON WAR POLITICS AND RECONSTRUCTION.

At length the war was over. Both sides after a tremendous struggle of four years furled their flags, and their officers and soldiers returned to their homes. Thousands on thousands of brethren had been slain and were buried where they fell. The Northern soldiers returned to their homes which had not been trampled by armies or impoverished by serious loss of property. The Southern soldiers returned, stripped of all save their honor. No one sympathized more than I did with North Carolina soldiers. I had been their friend throughout the entire war, and bade them God-speed in renewed efforts to make a living and a name among their neighbors.

About the 20th day of May, 1865, I was summoned to Washington City. The call made upon me by the President was totally unexpected. He telegraphed me to come to Washington at once, and invite such friends to accompany me as I desired. On the same day I received the telegram, and almost the very hour, Mr. Richard C. Badger, the son of Hon. George E. Badger, called upon me at my house with a letter

from Hon. Edward Stanley, in which Mr. Stanley urged Mr. Badger to see me, and urge me to repair at once to Washington. Mr. Stanley believed, and so stated, that I was the best person, all things considered, to be appointed Provisional Governor of North Carolina. I invited Messrs. William S. Mason, Robert P. Dick, John G. Williams, J. P. H. Russ, and W. R. Richardson to go with me to Washington City, and obtained transportation from Gen. Schofield, then in command of the army. We left for Washingington City. I was very anxious to have Judge Edwin G. Reade of the number of friends who went with me, but he lived at some distance from Raleigh (Roxboro) and the mails were at that time uncertain and unreliable. I had time therefore to invite only Raleigh men, and Mr. Dick, of Greensboro, on the line of the railroad. We traveled to Washington by way of the Chesapeake and Albemarle canal to Norfolk, from thence to Baltimore and Washington. We saw President Johnson first in a large room in the Treasury building. He had not then occupied the White House. A few days afterwards we saw him in the White House. We also met Gov. Vance, who was a prisoner, and Ex-Governor Swain, Bartholomew F. Moore, and William Eaton, Esq.'s, who were there to see the President. Just before I started from Raleigh Gen. Schofield dropped me a note and asked me if I objected to granting transportation to Swain, Moore, and Eaton. I replied I did not.

I did not when in Washington call to see Gov. Vance. I thought if I did it might look like an assumption of superiority over him, he a prisoner,

and I a free citizen, but I sent him word by Mr. Moore and Col. Wheeler who called upon him, that I sympathized with him, and would be glad to loan him funds if he needed them. Meanwhile I appointed Dr. Robert J. Powell, formerly of Richmond County, State Agent, to facilitate my correspondence with the President, to represent North Carolina in that capacity at Washington. Among other things I asked Dr. Powell what he thought would be done with the Southern Governors then in the old Capitol Prison. Feeling at Washington was then intense against the South. I asked especially what he thought would be the fate of Gov. Vance. He said he thought they would all be hanged. I replied: "Dr. Powell, that will never do. If that is done we cannot reconstruct nor restore North Carolina. Vance stood and stands for our people as Davis did for the entire South. Please keep me informed on these matters constantly. If there is danger of what you say, I will return here at once and appeal to the President." I would not, of course, have served if the President had allowed these things to be done.

On the morning of the 4th of July, 1865, Col. Tod R. Caldwell told me with much concern that he had just passed through Statesville from the west, and heard Mrs. Vance was very sick, and at the point of death, and asked me to telegraph President Johnson to release Governor Vance to return home to his wife. I telegraphed the President at once, and in two hours he replied: "Ex-Governor Vance has been released, and is on his way home." Twelve months afterwards I went to Washington to see the President. Governor

Vance went at the same time to renew his parole. Of course he was never tried.

I was in Washington seven or eight days, and was the first Provisional Governor appointed. At the first interview we had with the President, there were present, altogether at his request, all the North Carolinians in the city, his purpose being to consult them as to who was the proper person to be appointed Governor of North Carolina, whose duty it would be to take steps to restore the State to the Union. There were present on that day Messrs. Robert P. Dick, William S. Mason, J. P. H. Russ, W. R. Richardson, John G. Williams, Ex-Gov. Swain, William Eaton, Jr., B. F. Moore, Col. John H. Wheeler, and Dr. R. J. Powell. I arose with Ex-Gov. Swain and walked out while the President was taking the opinions of those present. Gov. Swain appealed to me in the most earnest tones not to accept the place of Provisional Governor. Thinking he had some apprehension as to the University, I said to him: "Governor, I have always been a firm friend to the University, though myself not a graduate as you were not. I am not yet assured of my appointment. I may be, or I may not be, but in any event I am your friend, and the friend of Chapel Hill." We had walked from the White House to a point overlooking the statue of Gen. Jackson, and when we returned, as we did slowly, to where the President and his friends were, it was announced that I had been appointed Provisional Governor. Mr. Moore and Mr. Eaton did not vote. They said they did not come there for that purpose.

I was appointed Provisional Governor by the President on the 29th day of May, 1865. The President directed me to provide a government for the State. I appointed such state officers as were needed. I appointed seven judges of the Superior Courts, also magistrates or Justices of the Peace, town officers, county officers, corporation officers, etc. I issued proclamations providing for the election of members of a State Convention, one for every member of the House of Commons, in all one hundred and twenty (120); also after this, for the election of members of the Legislature, Senate and House. I appointed also State officers to aid me in my work as follows: Aids, Joseph S. Cannon, Eugene Grissom, Tod. R. Caldwell; Private Secretary, Lewis Hanes; Clerks, Richard C. Badger, William H. Bagley, S. M. Parrish; State Treasurer, Jonathan Worth; Secretary of State, Robert W. Best. Donald W. Bain, Esq., the chief clerk under the former Treasurer, was in office, and remained until appointed by Mr. Worth. The following gentlemen were appointed Superior Court Judges to ride the seven circuits of the State: Messrs. David A. Barnes, Edward J. Warren, Daniel G. Fowle, Ralph P. Buxton, Robert B. Gilliam, Edwin G. Reade, Anderson Mitchell. Sion H. Rogers was appointed Attorney General.[1]

[1] President Johnson asked me while in Washington to furnish names for various (federal) offices in the State. I gave him Robert P. Dick to be appointed U. S. District Judge. William S. Mason to be appointed District Attorney; W. R. Richardson to be appointed Postmaster at Raleigh, and John G. Williams, National Depositary of Lands. We went to the office of the Attorney General to see what oath we would have to take. We were tendered the Iron Clad Test Oath. Neither of us could take it, for we had all of us, more or less, aided the rebellion; indeed I took no oath as Provisional Governor until August, when I took the Amnesty Oath. Mr. Johnson afterwards tendered me the office of Minister

I wrote the following editorial for the *Standard* of the 10th of June, 1865, about Jonathan Worth:—

"It gives us much pleasure to be able to announce that Jonathan Worth, Esq., has consented to accept the office of Treasurer and Property Agent for the State. In addition to the duties of Treasurer, he will be charged with collecting and selling all the property belonging to the State—cotton, turpentine, and every other article of state property—and to investigate the condition of State finances, the condition of banks, railroads, asylums, and other public corporations. The office is a very important one, and it will give the citizens of the entire State great satisfaction to know that Mr. Worth is to discharge its duty. His judgment, energy, and integrity mark him as the man who will perform them for the best interest of the State."

And in my first proclamation to the people of the State I used the following language in regard to the colored people:—

"To the colored people of the State I would say, you are now free. Providence has willed that the very means adopted to render your servitude perpetual, should be His instruments for releasing you from bondage. It now remains for you, aided as you will be by the superior intelligence of the white race, and cheered by the sympathy of all good people, to decide

Plenipotentiary to a South American Republic, San Salvador. But Mr. Summer, who was then chairman of the Committee on Foreign Affairs, declined to present my name, and I was not confirmed.

Afterwards while in Washington City in 1871 General Grant asked me to call on Mr. Fish, Secretary of State. Mr. Fish tendered me my choice of the mission to Peru or to the Argentine Confederation. I declined both. I did not wish to leave North Carolina.

whether the freedom thus suddenly bestowed upon you will be a blessing to you or a source of injury. Your race has been depressed by your condition of slavery, and by the legislation of your former masters for two hundred years. It is not to be expected that you can comprehend and appreciate as they should be comprehended by a self-governing people, the wise provisions and limitations of the Constitution and the laws; or that you can now have that knowledge of public affairs which is necessary to qualify you to discharge all the duties of citizens. No people has ever yet bounded at once into the full enjoyment of the right of self-government. But you are free, in common with all our people, and you have the same right, regulated by law, that others have, to enter upon the pursuits of prosperity and happiness. You should henceforth sacredly observe the marriage relation, and you should provide for your offspring. You can now not only learn to read yourselves, as some of you have been able to do heretofore, but you can instruct others, and procure instruction from others for yourselves and your children, without fear of punishment. But to be prosperous and happy you must labor, not merely when you feel like it, or for a scanty support, but industriously and steadily, with a view to making and laying up something for yourselves and your families. If you are idle you will become vicious and worthless; if vicious and worthless you will have no friends, and will at last perish. 'In the sweat of thy face shalt you eat bread all the days of thy life.' The same Providence that has bestowed freedom upon you, has

told you that diligence in business is required of all his creatures; and you cannot expect that your race will escape ultimate extinction, if you wilfully violate or disregard this, one of His great commands. Freedom does not mean that one may do as he pleases, but that everyone may, by industry, frugality, and temperance, improve his conditions and enjoy the fruits of his own labors, so long as he obeys the law. I have no prejudice against you. On the contrary, while I am a white man, and while my lot is with my own color, yet I sympathize with you as the weaker race; and I cannot forget that during this rebellion many of you fought for the preservation of the Union, and that those of you who remained at home in the then slave holding States, were for the most part, docile and faithful, and made no attempt by force of arms to gain even their freedom. I will see to it, as far as I can, that you have your liberty; that you are protected in your property and persons; and that you are paid your wages. But, on the other hand, I will set my pace against those of you who are idle and dissipated, and prompt punishment will be inflicted for any breach of the peace or violation of the law. In fine, I will be your friend as long as you are true to yourselves, and obedient to the law, and as long as you shall labor, no matter how feebly, if honestly and earnestly, to improve your condition. It is my duty, as far as I may, to render the government a ' terror to evil doers, and a praise to them that do well '—and this I will endeavor to do in relation to the whole people of the State of North Carolina, 'without fear, favor or affection, reward, or hope of reward.' "

At a union meeting held in Raleigh before we left for Washington I addressed a large body of people. Among other things looking to reconstruction I said:—

"Prevention of secession was absolutely impossible in this State. I with others signed the ordinance of secession under the force of unavoidable circumstances. Union men, bowed down and stricken in spirit, silently acquiesced, while secessionists greeted the act with hats off and hurrahs, the firing of canon and the ringing of bells.

" This war has resulted in the utter extinction of African slavery. This is an accomplished fact. There can and will be no question about it. It remains for the people of this State in Convention and by legislative action to define the status of the emancipated race. I, for one, have no fear in this regard. I am willing to see the alphabet, the Bible and the school book placed in their hands, and to recognize among them the marriage relations heretofore so culpably disregarded. The extent of their further elevation belongs legitimately to the governing race.

"In my opinion this emancipated race must have, to a large extent the sympathy, the aid and support, of the white race, without which they would be extinct.

" We are financially ruined. The bonded debt of the State prior to secession was $11,000,000 and this has been since increased by an indebtedness of at least $40,000,000.00, incurred by the State and counties during the war. Of the banks some are probably bankrupt while others are materially crippled. If

we add to this the loss of fifty thousand men who have been slain in battle or have died in hospitals and the devastation of a large portion of the State by both armies, no little nerve is required to meet the future. I believe, however, that the old government, the parental government, will be kind. It devolves on the Assembly to maintain the integrity of the State and to encourage the people to resume their wonted pursuits.

"And now, fellow citizens, what remains but to address ourselves to our duties as loyal citizens and to improve and build up our native State? At the formation of the Federal constitution North Carolina had, as she has now, the same area of territory, 50,000 square miles, with the State of New York, and the same representation in Congress, fifteen. In 1860 New York had thirty-six members of Congress and North Carolina eight. To what was this difference to be attributed but to the retarding, dwarfing influence of slavery? With this incubus removed, let us start anew in the career of prosperity. Our latitude is the best on the globe and we have a climate capable of producing nearly every article produced in any other state. We have a long sweep of seacoast, and one of the best harbors on the Atlantic front, and from Nash County to the Tennessee line our water power is inexhaustible. We grow all the cereals besides cotton and tobacco: and the bowels of the earth are stored with iron, coal, marl, copper, marble, gold, silver, and precious stones. We have vast forests of the most valuable timber and large resources of naval stores. In a word, though greatly impoverished by

the war, we have all the resources and all the elements of a great State. Let us go to work to develop these resources. We need capital and labor. To our brethren of the North and East and West we say, come over and help us. Bring your capital, your muscle, your intelligence, your industry, your ingenuity, and settle among us. The way is now open, and with us and our children you can purchase and build, and plant and reap, and repose and labor, and live and die, leaving your possessions an assured inheritance, for I tell you that the stars in that banner will never go out, and the sun of American liberty will never go down. Our banner staff is at last so firmly planted that no convulsion which did not split the earth could upheave it from its place.

"May our children and our children's children for a thousand generations, walk and be happy in the light of that glorious ensign; and may they, as we do now, on the distant shores of all coming time, by the waters of the two great oceans, by the lakes of the North, and amid the central portions of the continent, and far towards the South, where tropic groves perfume the breath of morn, repeat with the same heartfelt, impassioned, holy zeal, those thrilling words of Mr. Webster;—

'When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather, behold the

gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto no such miserable interrogatory as, What is all this worth? Nor those other words of delusion and folly, Liberty first, and Union afterwards: but every where, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, the other sentiment, dear to every true American heart—Liberty *and* Union, now and forever, one and inseparable!' "

Before I left Washington I had several conversations with the President. Generally Mr. Dick was with me. The President had his Private Secretary, Gen. Massey, read to us his proclamation, he commenting paragraph by paragraph, asking our opinion as the Secretary read. Mr. Dick and myself talked to him very plainly and courteously. He said to us he expected to confiscate the estates of the large slave owners, who were traitors and proscribed, and divide them among the wool hat boys of the South, who had been impoverished and had been compelled to fight for slavery against their will. Mr. Dick and myself remonstrated against this in earnest terms. We begged him to be as forbearing and as generous as possible. He said he would be, and especially when asked by the proscribed classes, of whom there were fourteen in the proclamation, for their pardons,

he would give immediate attention, and pardon where he could. He said though, "Gentlemen, treason must be made odious, and coming generations ought to know it and profit by it."

Mr. Moore was also, as I know, very earnest and candid in his talk with the President, and concurred with us in urging on the President forbearance and kindness toward the Southern States.

The President said that he would give to me for North Carolina all the war property that was in the hands of Gov. Vance. This included cotton, naval stores, tobacco and the like. The net results of this gift of the President to his native State was $150,000, collected and realized by Treasurer Worth in the State Treasury, leaving when I retired from office on the 29th day of December, 1865, the sum of $40,000 in the hands of Hon. Kemp Battle, the new Treasurer who succeeded Treasurer Worth.

I administered the amnesty oath to all the people of the State, and called a Convention, and also the Legislature, both of which sat during the seven months of my provisional governorship, and paid all expenses, including the seven judges heretofore mentioned. And this President Johnson did for no other State. In addition to this he allowed me $7,000 from the United States Treasury to cover the expenses of my office.

Mr. Seward asked me in his presence what the salary of Governor in my State was. I told him it was $3,000, but did not mention the fact that I would have a house to live in. He therefore allowed me at the rate of $3,000 a year for seven months, and I

have never received anything for house rent, as allowed by the law of this State.

Mr. Seward also asked me about Mr. Badger, and his boys who had been in the army, and were then prisoners of war. He spoke of him very kindly, and said he was facilitating the return of his sons to their homes. He said: "What do you think? One of his sons who has a way of thinking for himself, refused to take the oath. I told the officer it made no odds but turn him loose, I would not stand on that and keep him from his father." I suppose that was Edward, now dead. Some months previous to this Mr. Badger's friends had procured the election of his son, Richard, to be chief clerk of the Senate, in order, as Mr. Badger was paralyzed and comparatively helpless, his son Richard might be with him at home.

On my return from Washington City I was closely and constantly engaged, and found I had undertaken a very heavy task indeed. I had able assistants who helped me very much, but I had to conceive, and plan, and do everything in the way of reconstructing the State. For the first months I had not less than seventy-five visitors every day, which engaged my attention for hours, for the most part of the time, in fact. I had to provide books with the Amnesty oaths for all the counties, to appoint persons in various counties to administer those oaths, to obtain horses and mules for applicants by applying to the military, and settle disputes between men in regard to property of various kinds, to correspond on matters of business which required attention, and in all respects to work, work, work.

I received every day a large number of applications for pardon which I read carefully. I was the medium through which these applications went to the President, and my duty was to mark them Granted, Postponed, or Rejected. Not that I did that, but they were thus marked for the President. It was with him to grant, postpone, or reject them. During my time of seven months about twelve hundred pardons (1200) as well as I recollect, were thus obtained from the President. I asked him during all this time to reject but four; some were postponed, and many granted. These pardons were recorded in a book marked "Pardons" by Mr. S. M. Parish, a good scribe. I left the book in the Executive office.

About the middle of my term, say in August, Ex-Gov. Graham came to Raleigh. I was sick at the time, confined to my house. I did not see him. He filed in my office his application for pardon addressed to the President. When I got back to my office I read his application carefully, and was pleased with it. It was an able and truthful paper. I rose up from my place in the office and approached Maj. Bagley, who was pardon clerk, and asked him to endorse Ex-Gov. Graham's paper, "His pardon is to be granted by the President at once." Col. Cannon, one of my aids, who was standing by, said to me, "Governor, have you seen the New York Herald of this morning?" I said, "No, what of it?" He said: "The Herald says, 'Gov. Graham has been pardoned already, and you are engaged in pardoning a great many distinguished unpardoned rebels.' I would advise you to send on the paper, and mark it con-

tinued, and in a few weeks write to the President and ask him to send the pardon." Colonel Cannon and Maj. Bagley were both old line Whigs, or had been, and both devoted friends of Gov. Graham, as I was. I took their advice and continued his case. They advised me to pursue this course and not grant the pardon immediately, lest the radicals North should complain and lose confidence in the President.

In the course of a week or so, being still feeble on account of my hard labor, I went to Kittrell Springs and there saw Mr. Thomas Webb. In the course of conversation with him I said, "I hope Ex-Gov. Graham will soon have his pardon and that he can then enter public life and be of great service to us." On my return to Raleigh I found he had written a communication in the *Hillsborough Recorder* assailing the constitutionality of an act of Congress. The communication referred to was published in the *Hillsborough Recorder* and *Raleigh Sentinel* and of course excited attention. We were then under military rule, and it was therefore not proper that an unpardoned person asking for pardon should write in that way over his own name.[1]

Meanwhile, the Hon. Josiah Turner called on me at my office, and had a long, warm conversation with me in regard to his pardon, and that of Ex-Gov. Graham. I told Mr. Turner I could not tell him what endorsement I had made on his application, or on the application of Gov. Graham; that they were both

[1]The article of Gov. Graham was a criticism of the expediency of applying the "Iron Clad Oath" of 1862 to the Congressmen and Senators elected in the South: he also questioned the constitutionality of the measure. See *Sentinel*, Oct. 16, 1865.

leading public men, and it was not my habit to give information of that kind; but would tell him of one case of a private citizen and what I had done. I said: "Sir, you wrote your father's application for pardon. He owned a large amount of land, he was no doubt apprehensive that it might be confiscated. You made him say that if he had been a young man he would have shouldered his musket and fought for the South. I feared this expression might move the President to refuse his pardon, whereupon I made a note of it, that your father was an old man and had been a Henry Clay Whig, and that the President might overlook the expression and send the pardon. I received the pardon by return mail, and sent it to your father at Hillsborough." I found it impossible to satisfy Mr. Turner, and he left my office evidently dissatisfied. About this time Mr. Turner made a speech in Raleigh. I did not hear him. The speech was understood to be against me, and my policy of reconstruction. Under all these circumstances it was not to be reasonably expected that I would at that time write to the President to forward either of these pardons. I had the greatest respect for Governor Graham, and did not intend to be in the way of his pardon. If he had come to Raleigh again, and the whole matter could have been explained between us, I would no doubt have written to the President and obtained his pardon.

An old and esteemed friend of mine, now dead, Council Wooten, of Lenoir County, called on me several times for his pardon. I put him off, but having heard at last from his friend and neighbors in rela-

tion to his application and his merits I obtained his pardon.

I will make this statement also in relation to Gov. Bragg. I had marked his application to be continued, as Gov. Graham's was marked. A package containing a number of pardons was received in my office by express, and Col. Cannon opened it, and much to his surprise he found Gov. Bragg's pardon. He said, "You marked his application to be continued." I said, "I did." He then removed it, and put it in his drawer in my room. In a few days Gov. Bragg called for his pardon. The clerks in the office of the Private Secretary said it was not there. In a few days Dr. Powell, State Agent, who handled these pardons, came to Raleigh and asked for Gov. Bragg's pardon. I told him the facts. He said the President told him the pardon had vested, and I might therefore just as well give it to Gov. Bragg. Dr. Powell then said that he did not know it was Gov. Bragg, but thought it was plain Thomas Bragg. I told him I was not disposed to treat Gov. Bragg unkindly, but he had not been to see me since I was Governor, but if he would call on the day I retired from office I would hand him his pardon myself. Gov. Bragg called on that day, the 29th Dec., 1865, and I handed him his pardon.

There were two persons, possessed each of large means, who obtained their pardons from the President directly when I had not consented to it, and the President, when informed by Dr. Powell of the fact, telegraphed authorizing me to tax each one of these persons for thus obtaining pardons $10,000 each by

way of punishment, which of course I declined to do.

One day toward the close of my term Col. Tod R. Caldwell, who had lately been to Hillsborough, said to me that Mr. Paul C. Cameron and his friends were very much concerned about his application for pardon. I told Col. Caldwell that the President was not disposed to favor applications for conspicuous persons who had been engaged in the rebellion. I could not, therefore, recommend Mr. Cameron's pardon just then. He said Mr. Cameron was in town, and out in the passage of the Capitol. He said he was there in attendance on the Episcopal Convention. I asked him to request Mr. Cameron to come in. He did so, and I received him very politely indeed. I told him what I had just said to Col. Caldwell, and furthermore I had no apprehension of the confiscation of his property. This did not seem to satisfy him, and I at last said, "Mr. Cameron, I will obtain your pardon from the President." He seemed much gratified at what I said, and said to me, "Governor, please bear in mind that my father-in-law, Judge Ruffin, who is now an old man, wishes to know before he dies how much he is worth." I replied: "Mr. Cameron, I am glad you have mentioned Judge Ruffin. He and Gov. Morehead stood in the Peace Conference like rocks for the Union. I will send your application today, and at the same time ask the President to send pardons to Judge Ruffin and Governor Morehead." I have no doubt the pardons of Judge Ruffin and Gov. Morehead and Mr. Cameron were all granted and sent. It affords me pleasure to

have been the humble medium through which they were obtained.

As I have heretofore stated, much of my time was occupied in obtaining pardons for the people of North Carolina. Not less, I think, than twelve hundred (1200) were obtained through me. The President granted all for which I asked, and rejected only four (4), which I marked to be rejected. I did not suggest or approve, and I do not believe Mr. Dick or any other friends suggested or approved of this distinction made among our people, requiring certain of them to obtain pardons for what they had done during the war, while the great body of them were pardoned by the terms of the proclamation (of amnesty) itself. Mr. Johnson had decided upon this matter before we reached Washington, but I tried to carry out his wishes in this respect honestly, all the while leaning to charity and goodwill towards the persons seeking pardons. In some cases confiscation had commenced, and in every instance on my application the property was restored. The mere reading of the applications sent to me was very great, and exhausted me very much. I was robust and in good health when I entered on my duties, but at the close of them I was thin and sallow and weak, so intensely had I labored, as I thought, for North Carolina.

A great many of our people regarded the State as a sovereign State, and they had acted accordingly. They had suffered the loss of all things but their honor for what was called the Confederate Cause. The statistics will show that in proportion to population North Carolina had more men in the army

than any other State of the Confederate States; had more troops and did more fighting. Was she not honest? Was she not sincere? Certainly she was. The bones of her sons on a hundred battle fields attest her honesty, her sincereity and her courage. She thought she was doing right, and she will prove as true hereafter to the banner of the Stars and Stripes as any like aggregation of men anywhere. Suppose Maine had seceded and the Commonwealth of Massachusetts had been called upon to coerce her? Would she have done it? We know she would not.

I had thus after a very arduous service of seven months in which I had labored, in which I had endeavored honestly and sincerely for the good of the whole people of North Carolina approached the period in November, when an election for Governor took place. I was a candidate for election myself, at the request of my friends, and the friends of the President, and a large number of friends in the Convention called to frame the new Constitution for the State.

On the 14th of October, 1865, the following correspondence took place:

"Raleigh, October 14, 1865.

"Hon. W. W. Holden,

Sir: The undersigned members of the State Convention of North Carolina, fully appreciating your earnest and effective efforts for restoring our State to her constitutional relations with the Federal Government, and being desirous that restoration should be completed by one under whose guidance it

has been so auspiciously begun, respectfully request that you will allow your name to be placed before the people of North Carolina for the office of Governor at the ensuing election.

Very respectfully yours,

Lewis Thompson,
John Pool,
L. S. Bingham,
J. M. McCorkle,
G. P. Moore,
Robert Love,
A. R. McDonald,
A. H. Jones,
Bedford Brown,
William Sloan,
R. M. Henry,
Samuel Forkner,
D. G. McRae,
G. W. Gehagen,
G. W. Brooks,
C. L. Harris,
R. P. Buxton,
G. W. Logan,
R. Swann,
William Barrow,
Thomas Settle,
John Norfleet,
G. Garland,
W. G. B. Garrett,
H. McGehee,
A. H. Joyce,
Tod R. Caldwell,
John B. Odum,
J. A. McDonald,
Henderson Adams,
Thomas Haynes,
W. T. Faircloth,
A. B. Barnes,
James R. Ellis,
James Rumley,
Simon Godwin,
Robert P. Dick,
J. W. McAuley,
George W. Dicky,
William H. Harrison,
J. Q. A. Bryan,
G. W. Bradley,
H. A. Hodge,
E. B. Lyon,
R. J. Williams,
D. Kelly,
R. W. King,
R. S. Donnell,
Eugene Grissom,
S. P. Smith."

"Raleigh, October 17, 1865.

"Gentlemen: Your letter of the 14th inst., requesting me to be a candidate for Governor at the election to be held on the 9th of next month, has been received. I beg to assure you that I am very grateful for this proof of your esteem and confidence.

"I did not see kthe place I now occupy, nor have I sought a nomination for election by the people. I have been content to do my duty to the best of my ability under the instructions of the President, and to leave my conduct to be judged by an intelligent and indulgent people. I do not fear that judgment.

"My duty has been, in many respects, new, unusual, and very onerous. I had no lights to guide me in the work of reorganizing and reconstructing an American state, save the instructions received from time to time from the President; and necessarily those instructions have been only of a general character. My paramount concern has been, so to do that part of the work assigned to me as to secure the restoration of the State to the Union at the earliest practicable period. To what extent I have succeeded in this respect it is for the people to say. I can only declare, as I most solemnly do, that I have labored with an eye single to the good and the glory of North Carolina; and that, whatever may be the decision of the people on the 9th of November, I shall always possess the consciousness that I am a faithful and devoted son of our dear old State, and that I have labored with zeal, and with what success my poor faculties could command, to improve the condition

of her people, and to restore her to her appropriate and natural position in the Union.

" Gentlemen, it is not agreeable to my feelings in a crisis like the present, when everything dear to us depends upon union and harmony among ourselves, to speak of parties. I deprecate faction and bitter party spirit as the bane of the Republic. The evils we are now suffering, with all the calamities that have befallen us, may be traced to this source. As Provisional Governor of the State, in all I have said and done, I have known no party but the sincere friends of the Union. I am neither a Democrat nor a Whig. Both these parties were buried in the grave of the rebellion. All I can say is I am a North Carolinian, heart and soul. " I am an American," the proudest expression that can issue from human lips; and while I hold with Andrew Jackson and Henry Clay, that the people are the source of all power in this country, and alone entitled to rule, I declare that the only party to which I belong is the National Union party, composed of the best element of the old parties, of which Andrew Johnson is the head.

"If elected Governor by the people, I will do everything I can to promote the prosperity and the happiness of North Carolina, and to secure her return at the earliest possible moment to her place in the Federal Union.

"With many thanks, gentlemen, for the confidence you have reposed in me, and for the flattering man-

ner in which you have been pleased to allude to me in your letter, I have the honor to be

"Your most obedient servant,

W. W. HOLDEN."

My opponent was the Hon. Jonathan Worth, from the County of Randolph, who was my State Treasurer. I made no speeches, and did not electioneer for the office. Gov. Worth made no speeches, but remained in his office, and said nothing to me about his candidacy, but he and his family were understood to have been very active in the campaign. However, he resigned his place as treasurer (during the campaign) and Dr. William Sloan, of Gaston County, succeeded him.

I have not the vote in full for Governor, but Gov. Worth's majority over me was about six thousand (6,000), and the returns of the election in the various counties will show that I was supported mainly by the old Union men, and he for the most part by the Secessionists of the Democratic party. For example, Bladen, Brunswick, Caldwell, Catawba, Cumberland, Cleveland, Duplin, Edgecomb, Franklin, Halifax, Mecklenburg, New Hanover, Orange, Pitt, Rowan, Rockingham, Wayne, Warren, Wilson, gave majority for Gov. Worth. Bertie, Burke, Buncombe, Caswell, Chatham, Greene, Harnett, Henderson, Johnson, McDowell, Randolph, Rutherford, Surrey, Wake, Stokes, Wilkes, gave majority for Holden. The County of Wake gave Holden 1,702; Worth 453. The County of Randolph gave Worth 640; Holden 652. The County of Forsythe gave Holden 68;

Worth 1,110. This was owing to the fact that Holden sent to the Convention as Provisional Governor the telegram from President Johnson advising that body that it was indispensable to repudiate the rebel debt, including State Treasury notes. The same County of Forsythe voted for me for Governor in 1868, by 800 majority. Both her delegates, Messrs. Starbuck and Lash, were for paying the rebel debt.

Soon after my defeat I received the following letter from the President:

"Washington, November 27, 1865.

"Accept my thanks for the noble and efficient manner in which you have discharged your duty as Provisional Governor. You will be sustained by the government.

"The results of the recent elections in North Carolina have greatly damaged the prospects of the State in the restoration of its governmental relations. Should the action and spirit of the legislature be in the same direction, it will greatly increase the mischief already done and might be fatal.

"It is hoped that the action and spirit manifested by the legislature will be so directed as rather to repair than to increase the difficulties under which the State has already placed itself.

ANDREW JOHNSON,
President of the United States."

In November, 1881, I wrote a number of articles

for the Raleigh *News and Observer,* which I beg leave to reproduce entire. They contain many things which I desire the people of the State to know.

LETTERS FROM GOVERNOR HOLDEN.

(Cor. of The News and Observer.)

Raleigh, November 24, 1881.

Capt. S. A. Ashe:—I have examined carefully Major John W. Moore's School History of North Carolina, revised and enlarged, adopted by the State Board of Education, and published by Messrs. Alfred Williams & Co.

I have no wish to appear before the people of the State. I could not ask anything at their hands if I would, for, as Mr. Moore nervously states it in his forty-first chapter, I have been "declared incapable of holding any further honor or dignity in the State." Yet I ask to be heard while I attempt a few corrections in Major Moore's History which concern myself and others. I will do this in no carping or complaining spirit, and I will not have a controversy with any one. The whole people of the State, and especially the youth of the State, are interested in having its history correctly written. The form and pressure of the time may be correctly outlined, but if the details are incorrect, or only partially presented, or if the writer seems to favor one class more than another, or to champion his side, then to this extent the book which is called a history is incomplete. I do not say that Major Moore has deliberately presented or omitted details which are

so necessary to the truth of history, or that he has been consciously governed in writing by party or sectional feeling; and with this disclaimer, which is certainly sincerely made, I feel the more free in discussing certain statements in his history, to speak with candor and plainness, as I am sure I shall, with respect and courtesy.

On page 232 of Major Moore's history, a statement is made that "a few men who had been his (Governor Vance's) warmest friends two years before, were found opposing him. These composed a small fragment of the people, and William W. Holden of Wake, was their candidate. He was editor of the *Standard,* a newspaper that had, in years past, been extreme in Southern proclivities, but of late Mr. Holden had advocated North Carolina's withdrawal from the Confederacy, and the making of separate terms with the powers at Washington. Governor Vance, and most of the people in and out of the army, opposed this project as dishonorable and unjust to their compatriots of other states."

Without saying what the character of the *Standard* was previously to 1860, I state that during the year I joined with the great body of the Whigs of the State in efforts to preserve the Union; but that the Unionists of the State, the bulk of whom afterwards became Conservatives and "peace" men, did nothing that can be justly characterized as "dishonorable." These men, known as Conservatives, elected Governor Vance Governor by an immense majority in 1862; and throughout the campaign which terminated in his election he was denounced by the Dem-

ocrats and the Democratic press as a traitor to the Confederacy, and a submissionist to Northern aggression, though he was at the same time gallantly baring his bosom to the bullets and bayonets of the Union armies. But as a "peace" man, after July 1863, I urged that this State alone, or with other Southern States, should negotiate for peace on honorable terms with the general government, as it seemed to be clear that Mr. Davis would not in any event attempt to negotiate; and as it also appeared to be clear that if the war went to its end our subjugation was inevitable. In this I was sustained by a large majority of our people, until Governor Vance's Wilkesborough speech on the 22d of February, 1864.

I have no doubt I have made numerous mistakes as a public man, but I am satisfied that I made no mistake in the course I pursued for the last year or two of the war as a "peace man." Indeed, Major Moore himself says, on page 230 of his history:

"The siege of Petersburg went on, and the sad news of General Early's defeats in the valley came ever and anon to add fresh sorrow and despair to the South; but with a blind and desperate disregard of the situation, no hand was lifted to stay the slaughter or make terms amid so many combatants."

This is very strong language. In the midst of these scenes of "sorrow and despair," was it "dishonorable" in the "peace" men of this State to lift their hands to "stay the slaughter" and make terms of peace with the advancing conqueror? North Carolina had very reluctantly followed her compatriots of the Southern States in resisting the authority of the

Union. The chief corner stone of the Confederacy was the right of secession. North Carolina was, therefore, a sovereign State, and had a right to do whatever she deemed best for the protection and prosperity of her people. The adherents of the Confederacy to the last and the "peace" men were equally honest and patriotic. Both classes fought to the last. And I believe it to be a fact that two-thirds of the soldiers of North Carolina sent to the field had been Union men.

If I foresaw the awful scenes of "sorrow and despair" referred to sooner than others foresaw them, and raised my voice for peace in time to avert those scenes, if my voice had been heeded, am I to be censured for it?

On page 249 Major Moore speaks of Andrew Johnson as having "gained position in the courts of Tennessee." My recollection is that Mr. Johnson never practiced in the courts.

On page 251 Major Moore says that in 1868, "by orders of General Canby, Governor Holden was again restored to the chief magistracy." This statement is calculated to mislead the student. It is true, in the preceding paragraph Major Moore refers to the "election in 1868," but he omits the fact that I was elected by the people by nearly twenty thousand majority, as the first civil Governor after the war, over Thomas S. Ashe, now a Supreme Court Judge. I was not, therefore, "restored" to the office by General Canby, but I was elected to it by the people. I had been Provisional Governor for seven months in 1865, and Governor Worth succeeded me, chosen by

the people; but Governor Worth was as much under the Federal power as I was in 1865. It is true, as Major Moore states, that Governor Worth contended "for legal protection for the people against the interference of military commanders and courts-martial," but he contended in vain so far as power was concerned, as I did in 1865. The records of the Executive office show many able arguments in my name, written by Col. Tod R. Caldwell, then one of my aides, afterwards Governor, to convince the military that we ought to be allowed to try State criminals in our own courts.

On page 246 Maj. Moore says that in 1865 "Governor Holden continued Judges Pearson and Battle in their places as Supreme Court Judges, but replaced Judge M. E. Manly by Edwin G. Reade, of Person." The fact is, I appointed no Supreme Court Judges in 1865, but I appointed the following gentlemen Superior Court Judges: David A. Barnes, Edward J. Warren, Daniel G. Fowle, Ralph P. Buxton, Robert B. Gilliam, Edwin G. Reade, Anderson Mitchell, with Sion H. Rogers as Attorney-General.

On page 245 Maj. Moore says: "When the Provisional Governor had entered upon the discharge of his official duties, he and the Treasurer discovered that North Carolina was reduced to a small supply of cotton as the sum of her available means to discharge the current expenses of the new government. This last resort was seized by the agents of the United States, and, to Gov. Holden's pathetical appeals for its release, the Secretary of the Treasury

and President Johnson proved deaf and inexorable."

Now the facts are these: As the result of appeals to President Johnson while I was in Washington in May, 1865, he did for this, his native state, what he did for no other Southern State. He authorized me to collect and sell all the cotton, resin, wagons, horses, mules, and indeed all the property which had belongd to Gov. Vance's war department, and use the proceeds in the work of "restoration," as he called it. He also, as the result of a cogent argument written for me by the lamented John A. Gilmer, and copied and forwarded by me, released to the private stockholders the Piedmont railroad from Danville to Greensboro, which was then in process of confiscation by the general government as a Confederate war road. Governor Worth, who was Treasurer, collected under my direction and sold the property thus given by President Johnson to the State at my request. The amount realized for it in cash was about one hundred and fifty thousand dollars. This amount, with seven thousand five hundred dollars allowed me by President Johnson for office expenses, sufficed for all State expenses for seven months. The amnesty oath was administered throughout the State, all the cities, towns and counties were reorganized, the courts were held in all the counties, a convention of the people, and a legislature was elected and held, and, on going out of office on the 29th December, 1865, I left of this amount in the hands of the new Treasurer, Hon. Kemp P. Battle, as the records will show, the sum of forty thousand dollars for current State expenses.

Andrew Johnson loved his native State. It was not necessary to make "pathetic" appeals to him to influence him to show even special favors to North Carolina.

Very respectfully,

W. W. HOLDEN.

Raleigh, November 29, 1881.

Capt. S. A. Ashe:—On page 232 of his history, Maj. Moore says:

"The persistency of President Davis, at Richmond, in refusing to make overtures to Mr. Lincoln, in order to break the force of the coming overthrow, led to secret propositions by certain members of the Confederate Congress from other States, in which they besought Ex-Governor Graham to approach Gov. Vance on this subject. Gov. Vance refused to take any part in such a scheme."

The last sentence in the above paragraph may not be entirely just to Gov. Graham, for it may leave the impression on the mind of the student that he approved these "secret propositions," and was, therefore, covertly disposed to abandon the Confederacy. I am sure I may truly say that, after Gov. Vance's Wilkesborough speech, which separated him and myself, Gov. Graham stood by him unflinchingly to the last. But I think he had misgivings as to his course. I remember vividly a protracted interview in the Executive Mansion between Gov. Graham, Gov. Vance and myself, in August, 1863. The conversation

lasted two hours. It might not be proper to repeat all that was said on the occasion. The utmost candor was shown by all of us. Mr. Satterthwaite, of Beaufort, was present. He is dead, and Gov. Vance and myself are the only survivors. I believe I may truly say that, in this conversation Gov. Graham agreed with me rather than with Gov. Vance. It is probable that Gov. Graham took no active part for State action looking to an honorable peace, because he hoped and believed that Mr. Davis himself would make overtures for peace. I have it from a distinguished ex-member of the Confederate Congress from this State, that at Gov. Graham's request he sounded Mr. Davis early in 1865 as to his final purpose in this regard, and that the answer of Mr. Davis was, and given with emphasis, "I will never accept any peace short of the independence of the Confederacy." When this answer was reported to Gov. Graham, he said, "then Mr. Davis has deceived me."

The demand for an honorable peace flashed like fire throughout this State in August and September, 1863. Within eight weeks one hundred peace meetings were held, composed mainly of men who had elected Gov. Vance. These meetings tested Gov. Vance's native firmness. He was not moved by them in his steadfast adherence to the Confederacy. It has been said that these meetings led to desertions from the army. But the "peace" men had no such purpose. The *Standard* files will be searched in vain for any intimation even that North Carolina soldiers should desert their colors. The motto of the "peace" men, which I received from the lips of John A. Gil-

mer, was, "Let us fight and talk for peace at the same time." North Carolina was at that time at fever-heat for peace, and I think it more than likely that these meetings were safety valves to the Confederacy; for the people at home, having expressed their views and opinions, and finding that nothing could be done to arrest the war, relapsed into their condition of suffering and endurance, and "waded deeper" as Maj. Moore said on page 230, "into the crimson flood." Indeed, the exmember of Congress to whom I have referred, and who was a good Confederate, told Mr. Davis that if something was not done by him looking to peace, North Carolina could not be held to her place in the Confederacy.

Under the head of 1867 and 68 I quote as follows, from pages 250 and 252: "In society there was great confusion in the presence of two rival secret societies. These were known as the Union League and the Ku Klux Klan. The negroes and a few white men belonged to the former, and, in those sections of North Carolina where the Regulators of old were found, the famous White Brotherhood or Ku Klux also became numerous during the years subsequent to the advent of their rival.

"The year closed in with apprehension to all classes in the South. The new State governments were greatly disturbed by the Ku Klux, and in the pandemonium of bribery and corruption developed in the different assemblies was justification for the fears of the men who, in the reckless appropriations, foresaw ruin to all material interests of the State."

It is not my purpose to defend the Union League

or to assail the Ku Klux Klan. It is sufficient to say that the former was comparatively harmless, and was unarmed, and that the latter was armed. I was myself at the head of the League in this State, and the violations of law complained of were without my knowledge and against my orders. The rituals of this order were freely distributed everywhere, and those who read them will remember that they simply inculcated what was then known as loyalty, with industry, especially among the colored people, and obedience to law. The day before I took the oath of office of Governor in Capitol Square, I resigned my position as chief of the League in this State, because I could not have on my conscience my oath as Governor and at the same time an oath binding myself to a secret political society. I have not, since that day, attended and League meeting. My correspondence as Governor, in 1870, with Captain Pride Jones, of Orange, which is of record, will show that I deprecated all secret political societies, and that I did not, while I belonged to one of these societies, proceed to put down another one of them, namely, the Ku Klux. Maj. Moore is mistaken in assuming that the Ku Klux were for the most part numerous in the ancient territory of the Regulators. It is true, if my recollections be not at fault, that the Honorable John W. Norwood stated in the Senate, in 1873, that there were, or had been eighteen hundred Ku Klux in the County of Orange; but this order existed, as I think, in a majority of the counties, and, as some of the members of it swore before the courts, the number was not less than forty thousand in the State.

Maj. Moore states the fact that the new State governments were greatly disturbed by the Ku Klux. He also does me the justice to state that, in repeated proclamations I demanded that violence should cease. This I did in five proclamations and in numerous letters and orders, for the space of eighteen months, from October 1868 until June 1870; but all my appeals for law and order and peace addressed to both parties, were in vain. One of two courses was before me: Either to enforce the law with a strong hand, and thus make the fight of the sword, and not the use of it, as I did, the instrument for restoring civil power; or to resign my place and skulk from my oath and my duty into retirement. I could not do the latter, and hence I acted. I have no doubt I made blunders and mistakes in some of the means which I employed to suppress the Ku Klux, but let me ask, did the Union and Confederate commanders make no mistakes in their operations during the late war?

Maj. Moore would leave the impression, on page 255, that there had been "great improvement in peaceful relations" until May, 1870, when Senator Stephens was murdered in Caswell court house, and said "on the publication of the news of the murder of Mr. Stephens, Gov. Holden hastened to carry out the intention of the framers of this (the Shoffner) statute." He adds significantly, on the same page, "the election was to occur on the first Thursday in August."

I am obliged to the historian for these statements, because they enable me to state a fact hitherto un-

known to the people of the State. Governor Graham dwelt much in the impeachment trial on the fact that I began my military movement only a month before the August election; and he thence drew the inference that my purpose was to influence the election thus near at hand. The Senate or impeachment court had ruled that no witnesses outside of the two counties in insurrection could be heard in evidence. The Legislature had appropriated seventy thousand dollars to be used by me in enforcing the law. If the Hon. David A. Jenkins, the State Treasurer, could have been heard as a witness, he would have sworn that it was my wish to begin the movement at least two months before the election; that he had no funds in hand at that time that I could use; and that he notified me on the first of July that he was in receipt of ninety thousand dollars, dividends from the North Carolina Railroad and that I could have the seventy thousand from the amount thus received. I think this explains the matter to the satisfaction of every fair-minded man. My recollection is that W. R. Albright, Esq., of Alamance, swore before the impeachment court or before the court in chambers, that he had told me a week or two before the election that while he approved my course, yet the shock to the people of the State was so great as the result of my course that he feared the result would lose the State; and that I replied in these words: "I do not care how the State goes, if by what I am doing I shall save one human life." I declared that all I desired was a free ballot and a fair count; and that I was moved solely in what I did by a wish to pro-

tect life and property; to protect the poor and the humble as well as the rich, and that, too, without regard to race or party.

Thanking you, Sir, for your kindness and courtesy in publishing my letters, I am

Very respectfully,

W. W. HOLDEN.

GOV. HOLDEN ON MOORE'S HISTORY.

(Cor. of the News and Observer.)

Raleigh, December 6, 1881.

Capt. S. A. Ashe:—I have read your comments on my first and second numbers. Maj. Moore and myself are trying to write a little history. It is not my purpose to write politics, or to assail or defend any party formerly or now in existence. We want the truth of history; and men who have heretofore differed in politics, and who now differ, should each contribute his mite to the presentation and perpetuation of this truth. It is North Carolina who is concerned in these discussions, and not party politics.

On page 251 of his history Maj. Moore says:

"The Legislature, elected under the recently adopted constitution, met on January 14, 1868." Now, Gov. Worth was still Governor on January 14, 1868. I have before me the journal of the two houses for the first session of the Legislature, from which it appears that that body assembled on the first day of July, 1868, in pursuance of a proclamation issued the morning of that day by myself as Governor. On this day Gov. Caldwell for the first time

assumed his duties as presiding officer of the Senate, and in the House of Representatives Joseph W. Holden was elected speaker.

But Maj. Moore says this Legislature was "composed principally of colored men and citizens from the North who had lately taken residence in North Carolina."

The Senate consisted of fifty members, and the House of one hundred and twenty. Thirty-eight Senators appeared in their seats on the first day, and I have traced eight more Senators through the journal. Of these forty-six Senators thirty-three were natives, nine were adopted citizens and four were colored. On the first day one hundred members of the House appeared in their seats. Of these one hundred, seventy-five were natives, eleven were adopted citizens, and fourteen were colored. Thus, of one hundred and forty-six members of the two houses, one hundred and eight were natives, twenty were adopted citizens and eighteen were colored.

On page 247 Maj. Moore says: "In the Southern elections that were held, every man was required to take oaths of allegiance and for the support of the amended Federal constitution."

This is true. But it might have been as well if not better for the instruction of the rising generation, if Maj. Moore had added to the foregoing something like the following: The Southern people had honestly chosen to renounce their allegiance to the Federal government. It was natural, and has always been usual, for a people thus situated to renew their oaths as the Southern people did. They could not have

been good citizens of the restored Union with the old Confederate oaths upon their consciences.

But Maj. Moore adds:

"A vast majority were resolved to support the Union in good faith, and were satisfied that the results of the war were providential and for the best, but, unhappily, this was not so understood by Thaddeus Stevens and the men who controlled legislation at Washington. They were impressed with the belief that only hostile sentiments actuated Southern white men, and, therefore, the proper policy left to Congress was to confer political power upon the negroes, and in that way establish a new system of rule and social life in the States lately in revolt. This was a great and cruel mistake in policy. It was not only impossible in execution, but was to entail trouble and suffering on both races thus put in antagonism. It could not be expected that the white people living in the same region with colored rulers would quietly submit to their domination, even if such rulers had been equally intelligent and socially respected."

The people of North Carolina had rejected President Johnson's plan of reconstruction on the white basis. They had also rejected the Howard amendment, under which they could have returned to the Union, as Tennessee did. Nearly three years from the close of hostilities had elapsed, and we were still under provisional forms, with the national military paramount. What was to be done? In a conversation had with Thaddeus Stevens, in December,

1866, he told me he thought it would be best for the South to remain ten years longer under military rule, and that during this time we would have Territorial Governors, with Territorial Legislatures, and the government at Washington would pay our general expenses as territories, and educate our children, white and colored. I did not want that state of things in North Carolina. I did not want to run the risk of a practical confiscation of our property to pay the expenses which would have been entailed upon us by these military governments. I did not want North Carolina to cease to exist as a State. I confess I feared confiscation of property to a greater or less extent, especially as President Johnson had said to me in May, 1865, "I intend to confiscate the lands of these rich men whom I have excluded from pardon by my proclamation, and divide the proceeds thereof among the families of the wool hat boys, the Confederate soldiers, whom these men forced into battle to protect their property in slaves."

Besides, the colored people were free by the act of God. They were men like ourselves. Could we have reconstructed the shattered Union on a basis of justice and peace, and left them under our feet, peons and surfs? What shadow even of political or judicial or civil justice would they have received, if they had been refused the right of suffrage, and had been excluded as witnesses from the courts?

So far as the "social" aspect of the matter is concerned, that settles itself. I have never advocated "social equality," as it is called, among either the whites or the blacks, or between the two races. There

is no equality of a social character among the whites, and there is no equality of a social character among the colored people. Each race has its own distinct and separate society. There is no trace of "social" or "negro equality" in things purely social in the reconstruction acts or in the Federal constitution. If the white people of North Carolina are suffering "socially" because the white man and the colored man stand on the same footing politically and civilly, the fault is with themselves. The colored people will not seek to place themselves on the same footing socially with the white people unless they are encouraged by the latter so to do. Therefore, political and civil equality constitute one thing, and social equality another.

Maj. Moore complains of "a great and cruel mistake in policy" in reconstructing the Southern States. Allow me to say that up to 1860 the South had full control of the Federal government. Let us suppose, that, during this period, the eastern or northern States had seceded or revolted, and the South, having possession of the common government, had subjugated or conquered them, would the South have allowed them to return to the Union on their own terms? Would we not have been a *little* hard on them?

On page 255 Maj. Moore, referring to the arrests made by my order, in 1870, says:

"In some instances persons thus seized were hung up by the neck, or otherwise treated with great brutality."

The above statement is calculated to produce the

impression on the rising generation and on others that this "hanging" and this "brutality" resulted from my orders as commander-in-chief. It is due to the history of the State, as well as to myself, that I should state the facts, which are as follows: Two cases of this kind were brought to my attention. I was as much surprised at this "hanging up," and as indignant at it as anyone could have been. All my orders, verbal and written, were that all persons should be treated humanely and protected from insult and injury. One of my officers, in order to extort confession from supposed Ku Klux, had put a rope around the necks of two men, one a Mr. Patton, of Alamance, and one a young man whose name I will not mention. I sent for Mr. Patton. He at once reported himself to me at Raleigh. I directed him to stop at the National Hotel, which he did, remaining a day or two, I paying his bill out of my private pocket. He told me all about it. He was much frightened but not hurt in his person. I did not see the young man above referred to until he appeared as a witness against me in the impeachment trial. He denied positively that he was a Ku Klux, and told the story of his "hanging" with such particularity and pathos that the hearers were moved to pity for him and indignation towards myself. It turned out, about one year after this, civil law having been restored to Alamance by my action, that the grand jury of that county, consisting of thirteen Republicans and five Democrats, found a bill against him and fourteen others for the murder of Wyatt Outlaw. He fled to Tennessee. In the autumn of

1873 I was in Hillsborough, and united with the Hon. Thomas Ruffin, now of the Supreme Court, and James E. Boyd, Esq., in a correspondence, which was published in the newspapers, and led to the amnesty act soon after passed by the Legislature. One of the grounds of appeal to me to join in the correspondence was, that the father of this young man was on his death-bed, and desired to see his son before he died. The young man returned and may be now a citizen of Alamance.

And what of the officer who did this "hanging" without a shadow of authority from me? I ordered him to report to me in my office in Raleigh on the 6th of August, 1870. I had meanwhile stationed Captain Hancock, of Newbern, with a file of men in an adjoining room, and, as soon as the officer referred to was seated, I called for Captain Hancock and said to him: "This man has violated my orders. Take him to camp, and confine him in a tent under guard, and deny him the privileges usually accorded to officers." And then, addressing the officer himself, I said: "There are grave charges against you. I have directed the Adjutant-General to prefer charges." You will be tried, and cashiered from the service. A few days afterwards the Marshal of the United States demanded him on a civil writ. I yielded to the civil power, and he was taken and confined in Wake County jail until released by Judge Bond.

I beg leave to repeat what I have heretofore said, that I have no doubt I made blunders and mistakes in my military movement in 1870. But there is truth in the old adage, "Desperate diseases require

desperate remedies." And I again declare that all I did in that movement was done with a purpose to protect the weak and unoffending of both races, to maintain and restore the majesty of the civil law, and not to gratify personal feeling on my part, or to promote party interests or party ascendancy.

I have now done with my brief comments on Maj. Moore's history. I think I have written in a kind and considerate spirit. I have not sought to deprecate the book itself, or its gifted author. On the contrary, I would commend him for his industry and zeal, and would trust, as I do, that he will grow in knowledge and wisdom as he grows in years. I believe neither in Union nor in Confederate histories. True history is many-sided, but, after all, is there any history really true in all respects save the Bible?

Very respectfully,

W. W. HOLDEN.

It will be seen in the first letter that Major Moore says Mr. Holden had advocated North Carolina's withdrawal from the Confederacy, and the making of separate terms with the powers at Washington. This is a mistake. The *Standard* nowhere contained the proposition to withdraw from the Confederacy, but to endeavor to make terms for peace with the powers at Washington. The foundation stone of the Confederacy was the right of secession and after July, 1863, I urged this State alone and with other Southern States should negotiate for peace, on honorable terms with the general government. I never proposed at any time to submit to the general gov-

ernment unconditionally. The result was, as I stated in my first letter, "both classes fought to the last."

The distinguished ex-member of the Confederate Congress from this State referred to in my letter dated November 29th, 1881, was Hon. R. R. Bridgers, now deceased. In the letter dated December 6th, 1881, allusion is made by Maj. Moore to the case of Lt. Col. Bergen, to my arrest of him on the 6th of August, 1870, and what I said to him in my office.

Before organizing my troops in 1870 under the Shoffner Act, I had tendered the command of the Second (2nd) Regiment to Maj. W. W. Rollins, of Madison County. He declined to accept the position, and replied advising the appointment of Col. George W. Kirk. They had both been in the service of the United States, Kirk as Colonel, and Rollins as Lt. Colonel. Towards the close of the war they entered Asheville, N. C., and had control of the town. Col. Rollins, who is still living, in Madison County, knew Col. Kirk well as a soldier, and as a man, and endorsed him to me. Col. Kirk, when he appeared in Raleigh was accompanied by Mr. Bergen, an ex-officer of the Army of the United States, and at Col. Kirk's request I appointed him Lt. Col.

Col. Wm. J. Clarke, who commanded the First (1st) Regiment, was stationed in Raleigh, and Col. Kirk in Yanceyville, in command of the Second (2nd) Regiment. Col. Kirk, on account of his "name of terror" was sent to the two counties declared in a state of insurrection. My great desire was to avoid a conflict, and Kirk himself called on

me after the work was done and said to me, "General, I am glad your orders have been executed in Caswell and Alamance Counties, without firing a gun, or shedding blood." I told him he had done well, and I was also glad that no one had been hurt or injured.

Col. Bergen, as I have already said, was under arrest on a civil writ, and was confined in Wake County jail until released by Judge Bond. The morning on which he was released from jail he called at my house and begged me to loan him money to pay his expenses to Washington City, where his family was. While in jail he sent for me to come and see him. I had declined to do so. I also declined to loan him money. I said to him: "Col. Bergen, I am sorry for you, but I cannot aid you, as I hear other proscripts are out for you, and I am Governor of the State, and cannot aid you in escaping from them by loaning you funds." James H. Jones, a respectable colored man, was with Col. Bergen, and urged me to loan him money. I replied, "I do not mind the money, but I ought not to aid anyone in escaping from the hands of the law." After this, when in Washington City, I heard that President Grant had nominated Col. Bergen to the Senate for Consul at Pernambuco. I sent the President word by a friend who Col. Bergen was, and he withdrew the nomination.

Col. Kirk was also arrested on a writ issued under the United States, and the Marshal, Col. Carrow, instead of putting him in jail as he did Bergen, allowed him to remain at the residence on Hargett street of

Mr. John H. Renfrow. They were both held in custody until released by Judge Bond. I called to see Col. Kirk several times. He told me he had drawn funds from the State to pay for his officers and men, and that neglecting his own interests he suddenly found the appropriation of $10,000 exhausted, and the State in debt to him $500.00 (five hundred). His wife and his two little boys were with him. I gave him $140.00 from my own pocket to carry them to Freedom, Tenn. He left at midnight on the day he was released, walked twelve miles to a depot for personal safety, and there took the cars. I might have drawn $500.00 to pay him what was due him, but did not do it. It had been with great difficulty that I had succeeded in paying the troops what they had justly earned.

James E. Boyd, esq., was arrested at Graham by my orders. He was a Democratic candidate for the House of Commons from Alamance. I requested him to report to me at Raleigh. I told him I did not wish him to criminate himself. I accorded to him all his legal and constitutional rights, and told him I wished him to aid me in exposing and exploding the secret political organization. I desired to punish no one myself, but simply to expose and break up the organization. Mr. Boyd acted throughout the part of an honorable man.

Jasper N. Wood was also arrested and ordered to Raleigh by me. He denied at first that he was a Ku-Klux. The next day he confessed that he was. His confession was written out by Colonel Clarke and signed by him with Clarke and Douglas as witnesses.

Mr. Wood was released and allowed to return home to his family. After he had reached home, his wife wrote me a letter tendering her thanks for the kind manner in which I had treated him. I paid his board at the National Hotel from my own pocket. This letter addressed to me by Mrs. Wood was handed in 1870 to Capt. Tom Evans, of the Hillsboro or Milton *Chronicle,* to be published, but it has not yet appeared.

CHAPTER IV.

GOVERNOR UNDER THE RECONSTRUCTION ACTS

REMINISENCES OF EARLY LIFE — PROTEST OF GOVERNOR WORTH—PROCLAMATIONS REGARDING THE KU KLUX — THE SHOFFNER ACT — CORRESPONDENCE WITH CAPTAIN PRIDE JONES — EXAMPLES OF EXECUTIVE CLEMENCY.

I am now an old man. I have passed my limit of manly life, three score years and ten. I came to Raleigh in the year 1836, a lad, not quite eighteen years of age, and began work in the old *Raleigh Star* office, still standing, as a typesetter, or compositor. I was not a regular journeyman printer, for I had not learned to lock up forms or do job printing. I was only a very swift compositor. I remained in the *Star* office, boarding in the family of the Editor, the Rev. Thomas J. Lemay, for more than four years. I was a close, hard student of books and men. During the period I read law, mainly at night after the labors of the day were over, and on the 1st day of January, 1841, I obtained license in the County Courts, the Supreme Court consisting then of Chief Justice Ruffin and Judges Gaston and Daniel.

Mr. Henry Watkins Miller, a young lawyer, loaned me the law books and told me what to read. Mr. Hugh McQueen, of Chatham County, was employed by Mr. Lemay as Editor of the *Star*. They were

both kind friends to me, and encouraged me very much in my studies. I had no time to have the benefit of an examination at their hands. I was poor and unknown and very ambitious. Indeed, I seemed to consume Blackstone. In the class in which I passed before the judges were Messrs. Calvin H. Wiley, deceased, Robert W. Lassiter, of Granville, and George Davis, of New Hanover, now living. There were twenty in the class, now nearly all dead. The day we passed examination was Saturday. The next Monday morning I met an old friend, Captain Thomas G. Scott, then Postmaster here. He was boarding at Mrs. Taylor's, and so was Judge Gaston. He stopped me and said, "Young man, I heard just now at the breakfast table, from Judge Gaston, a good word for you." I said, "Captain Scott, what was it?" He said, "The Judge said the class of students who on Saturday last applied for license was a good class, and the printer was among the foremost." This remark of Judge Gaston did me good for years. I went to the bar in Raleigh, and, as was the custom, I was invited by Mr. George Washington Haywood, who was County Attorney, to address the Grand Jury at that term. Of course, I was a diffident young man, and had had no training as a public speaker, and the County Court was then a very imposing body, and had a strong bar. I stood up and talked off my speech, which I had carefully written, and which was full of law terms, with such self-possession and accuracy as to avoid a failure. Mr. William H. Haywood, Jr., who seemed to hear me attentively, said afterward to Mr. James B. Shepard,

who said to me, " Holden, Mr. Haywood says you are a clever young man." I did not perceive the full meaning of the word "clever," when Mr. Shepard added, "Oh, he meant this, that you are a young man of promise, using the word clever as it is used in England." This also greatly encouraged me. Hence I have always been a friend to young men and helped them whenever I could.

The very best charge to a grand jury which I have heard from a member of the bar was that by Mr. Kemp P. Battle subsequently in the same court.

At the June term of Granville County Court of the same year, I repeated my charge to the Grand Jury of Granville County.

On the second day of April, 1882, nearly eight years since, I was paralyzed. By the blessing of God I had so far recovered as to be able to write clearly and legibly for four years, and since that time my physical weakness from paralysis has so grown upon me that what I write cannot be read, consequently I dictate this paper, and my daughter writes it down. I state this that the reader may be aware of my difficulty, owing to my infirmity. But I thank God that my mind is as strong as ever.

On the first day of June, 1843, I became the owner and Editor of the *North Carolina Standard.* I was still poor. I went in debt for the purchase of that paper, $2,000. The Democratic Party was not more than eight thousand in number. In a social sense the Democrats of the State were regarded as no better than the scalawags of modern times. The Whigs were mainly in the towns and villages, and it

was claimed that they possessed a large portion of all the "intelligence and all the decency," while the great bulk of the Democrats were, in the eye of society, ignorant and awkward. The Democrats, too, were understood to be opposed to common schools and internal improvements, while the Whigs were the liberals and in favor of both. Since the remodeling of the Constitution in 1835 the State had been Whig, and the prospect of success by the Democratic Party was dim and uncertain. My subscription list at the time was eight hundred, and my advertising patronage about two columns. The circulation of the paper was greatly reduced, and business men, especially the Whigs, did not wish to support the organ of the Democratic Party. For six months the subscription list stood still, neither advancing or receding. Meanwhile I had engaged several very able writers who wrote anonymously for the paper, and I had also written the numbers for the paper known as the "Mysteries of Coondom Revealed," which were designed, as they did, to set forward in a ridiculous light the leaders of the Whig Party. It is true I was comparatively a stranger to my readers and to the people of the State, but at the end of the six months referred to I perceived a sudden and great quickening in my subscription. I realized the fact that the Democratic Party trusted me thoroughly and fully. Within seven years after I had taken charge of the *Standard* I had paid my debt of $2,000, mentioned heretofore. I had paid for my house and lot, $1,350; bought a new outfit for my paper which presented the finest appearance of any sheet in North

Carolina; and had on deposit in the Cape Fear Bank $5,000 with which to build my present residence. After this, under Reid and Bragg and Vance, I had the public printing, and my office cleared between 1850 and 1860 $8,000 per annum. I was thus wonderfully prospered and blessed.

The Democratic Party of the State with Reid as Governor was greatly advanced, and prospered. This continued while Whiggery declined. By 1857, because of the sectional contest for the presidency in 1856 between Fremont and Buchanan, a marked change in politics, especially in the South, was apparent, and the Democratic Party was thought to be truer to slavery than the Whig Party, and the result was that the Democratic Party constantly increased in numbers, until at last it evinced its ascendancy over all opposition by the action of the Charleston and Baltimore conventions. It had had the Union of the States in especial charge and keeping, but by its action just mentioned it paved the way for its temporary destruction.

In 1868 under the Reconstruction Acts, I was elected Governor for four years by the following vote: Holden, 92, 235; Thomas S. Ashe, of Anson County, 73,594; Holden's majority, 18,641. I did not seek the nomination. It came to me freely and unanimously.

On the fourth day of July, 1868, I delivered my inaugural speech to a vast audience in Capitol Square. In this, among other things, I said:

"The Constitution provides for organizing and arming the militia to 'execute the law, suppress

riots or insurrections and repel invasions.' The opinion of Washington, uttered in 1790, that a 'free people ought not only to be armed, but disciplined,' and that a well organized militia is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order.' is not less weighty or important now than it was then. The militia should be organized at once. It is the duty of the Executive to see that the laws are faithfully executed and to preserve peace among the people. This duty will be performed promptly, fearlessly and firmly. Every citizen must submit to lawful authority, or refusing to do so, must expect the penalties of the violated law. In the language of our great General, second only to him who was 'first in war, first in peace, and first in the hearts of his countrymen,'—'LET US HAVE PEACE!' The sword, which would not have been drawn but for the criminal folly of the recently insurgent States, should never again be wielded by Americans against Americans. Every interest that is dear to us, and every hope that we may indulge for the future, is indissolubly bound up with peace and tranquility among ourselves. But there can be no peace without law, and there can be no efficacy in law without obedience. The law is over all. The poor and the humble should be protected to as full an extent as others. They need more than others this protection. Every one must be free to use what is his own, not trespassing on the rights of others; to follow his particular calling or employment; to labor, and to enjoy the

fruits of his labor; to speak freely his sentiments and to vote as he pleases, and not to be injured or questioned by any one for doing any of these things. The people of North Carolina are proverbial for their law-abiding disposition. It is not apprehended that disturbances will arise, or that combinations will be formed to resist the laws; yet it is known that many hold the opinion that the reconstruction laws of the United States are unconstitutional, and therefore null and void; and it may be that this may lead, if not to open resistance, to a forcible denial in some localities of the rights guaranteed by the Constitution of the State, formed and adopted in pursuance of said laws. It is also known that a disposition exists, among no inconsiderable portion of our population, to oppress the poor whites and the colored race on account of their political opinions. The magistrates and the courts will be sustained by the whole power of the State, in such action as may be deemed necessary to protect those who may be thus wronged or oppressed; and the magistrates and the courts will be sustained by the whole power of the State in giving effect to the Constitution itself, as having been fairly, justly and properly adopted, and as binding in all respects on every citizen until changed or modified in the mode prescribed in the instrument itself. Differences in political sentiment are to be expected, and are not calculated in themselves to endanger the State; but a purpose to subvert the Government, on the assumption that it is not properly derived, has not been constitutionally adopted, and is illegitimate and not binding, should be narrowly

watched and promptly checked on the first manifestation of any overt act on the part of those cherishing such purpose. The Constitution of this State is, under the Constitution of the United States, the supreme organic law. The Government which it establishes, and the laws passed in pursuance of it, will be maintained and enforced. To render resistence, therefore, impracticable, if not impossible, and to maintain the peace by executing the laws in a spirit of justice to all, it is deemed essential that a portion of the militia should be well disciplined and armed, and should be thus ready at any moment, under the orders of the commander-in-chief, for active duty.

* * * * *

" Fellow-citizens, let us come out of the caverns of the past, and forgetting whatever is not worthy to be remembered, let us resolve to do our duty in our day and time, as North Carolinians, as Americans. In a climate and with a soil for which Providence has done so much, let us resolve to do something for ourselves and our children. Let us devote ourselves to the arts of peace. Let us improve this great inheritance. Let our children and our children's children, when they shall come to take our places, say of us, 'Our ancestors remembered and did what was wise, and what was good for us. Behold, the beautiful country they have left to us! the just and equal laws that are over us, and the hope that their work has made strong in us that we can do even more for our children than they have done for us.' Let us at least unite upon the one great object of improving and building up the State. Let us welcome capital and

immigration, furnishing as they will the indispensable means to our progress and prosperity. Prejudices growing out of nativity, or out of the rebellion, are not worthy to be cherished. Let us discard such prejudices. We are once more Americans — all. Let us receive with courtesy and kindness every citizen of the Northern or Eastern States who may cast his lot among us, and measure him as we measure others, according to his personal and moral worth. We cannot hope to improve our condition if we repel capital and immigration, either by so acting as to produce the belief that it is not safe to settle among us on account of the want of law and order, or unpleasant, because of rude or uncivil treatment to the immigrant. It should be remembered that our ancestors were, originally, as much 'adventurers' as others. Of the three signers of the Declaration of Independence for this State, neither was a native. Richard Caswell, one of our greatest Governors, and sometimes called the WASHINGTON of North Carolina, was not a native; nor was Joseph Caldwell, who built up our University and led the way with Murphy, Yancey, Stanly, Saunders and others in internal improvements and public instruction.

"We want the best people from Europe, and from all parts of the United States to settle among us. It is *men* that make a State. Let them come, with their enterprise and money, their muscle and intelligence; and when they get here let the rivalry be as to who shall do the most for the good and the glory of our beloved State.

"The government of the United States, in the pros-

ecution of the war to suppress the rebellion, and in the measures it has adopted to reconstruct the Union, has exhibited extraordinary clemency and magnanimity. It has taken no vengeance for the past, but has required only security for the future. It has deprived no man of his property save for war purposes during the progress of the war; it has exiled no man; it has punished no man for the crime of rebellion. It has simply required that those who have been in rebellion should renew their allegiance, and that such guards should be placed in the organic laws of the States and the nation as to prevent future rebellion. Instead of defining or restricting suffrage permanently, it has left it with the respective States to be determined and settled as they may choose; and this State, following in full measure the example of the national government, has made suffrage free to all.

"But the war to suppress the rebellion has, in its results, necessarily changed as it has settled the theory of construction previously held by a large portion of the people. Our liberties have been consolidated, and the Union can, in no event, be dissolved. It has to endure always. It must increase, but never decrease. For all great national purposes the Government of the United States is over the States, and paramount to the States, and the allegiance of the citizen is first due to it. There is no appeal from the will of the nation, expressed by a majority. Armed resistance to the national authority, whether by individuals of their own accord, or by individuals acting under supposed State authority or command, is *treason,* and must be so held and

treated. The doctrine of State's rights, as held by Mr. Calhoun and his followers, has ceased to have validity or vitality; and the teachings and doctrines of Washington, Hamilton, Webster, Jackson, Clay and Lincoln now constitute the true, and the only safe theory, of construction. This has been settled, under Providence, by the result of a solemn appeal to arms among brethren; and he who would unsettle this theory, thereby rendering it possible that secession should ever again be attempted, is no friend to his species, his State, or to the general government of his country. The government of the United States is no longer a feeble luminary, receiving and dispensing light to surrounding planets; but it is a full sun, burning with superior splendor, pervading and holding up to itself the entire system, and kindling new planets into life and motion. How beneficent, how glorious, how far-reaching will be the light it will dispense when it reaches its meridian, we shall not live to see, but the generations that come after us will walk in that light, and be contented, prosperous and happy. In the fullness of their gratitude they will thank God, as we do, that the government of the United States, delivered from the perils of rebellion, and reconstructed on the basis of the equal rights of all, is as indestructible as the earth itself, and as secure in its position and in the exercise of all its great powers, as

> 'The Northern star,
> Of whose true, fixed and resting quality,
> There is no fellow in the firmament.'

"I have thus, fellow citizens, stated briefly and

plainly the great principles contained in our State Constitution, and have frankly announced the policy which will characterize my administration. Cherishing neither malice nor resentment for anything which has occurred in the past, I shall endeavor to do my duty. I shall keep constantly in view the welfare of North Carolina. I love the Union because it is the first, the last, the only hope of my State; and I love my State, because her people have been good and kind to me, and because her sky is above my home, as it will be above my grave. If I have enemies, that does not make me an enemy to my State, nor move me to a course of action based on resentment or revenge. I follow the principles of WASHINGTON, who founded, and of LINCOLN, who saved the Republic; and when these principles cease to lead, I shall cease to follow. May the God of our fathers have us in His holy keeping; may He govern, and not we; and may the future of our beloved State be as bright and glorious as the last seven years have been disastrous and unhappy."

It will be seen, that although at that time I had not read Gov. Worth's paper, I had characterized it in appropriate terms. I had warned the people against the absurd assumption of Gov. Worth, that the new State government was not legal or binding.

Having thus given my views and the principles on which I proposed to conduct the state government, I also, in my message to the two houses of the Legislature under date of November 18th, 1869, used the following language looking to the relief by Congress

of all persons laboring under disabilities. It will be seen that my language covers all from the loftiest, that is Jefferson Davis, to the most obscure constable or Justice of the Peace.

"By the fourteenth amendment to the Constitution of the United States certain persons in the recently insurgent States are debarred the privilege of holding office at the hands of their fellow citizens; but the Congress may, at pleasure, remove such disability. There are many citizens of States which did not engage in rebellion, who are technically exempt from this disability, but who were not more loyal to the government, and are not now more loyal than many citizens of this State who are only technically excluded from holding office. I am not able to percieve that a citizen of a State that did not engage in rebellion who sympathized with the pretended Confederacy, and did all he could to discourage volunteering and to paralyze the national arms, is more loyal or more deserving of consideration than the Southern Unionist who occupied some small office, not with a view to aid the rebellion, but merely to escape conscription. There are several thousands of persons in this State of the latter class, who were at one time supremely attached to the national government, and who endeavored in every conceivable way to avoid fighting against the government of the United States, but who are now soured and distressed, because, by the fourteenth amendment the very means they adopted to avoid doing violence to their judgment and consciences have been used to exclude them from office.

Every citizen of this class, and every loyal citizen, is entitled to be at once relieved by the Congress. There are several thousands of others in the State, who are either indifferent to the government or opposed to the acts of Congress by which the State was reconstructed. These persons have been sorely punished for their acts of rebellion. Even if disposed to thwart the action of the Federal or State governments, they are powerless to do so. They are chafed by the reflection that their former slaves can hold office, while they are excluded, and their reflection is magnified in their minds into the belief that the national government is disposed to pursue and punish them, simply because they had taken an oath to support the Constitution of the United States before they engaged in rebellion, while the obligation to support that instrument was equally binding upon all, and thousands upon thousands who never took that oath, but who were as deeply and as bitterly immersed in the rebellion as they were, are not banned or excluded. The nation can afford to be magnanimous. After nine years of rebellion, and strife, and civil discord, and social disruption and bitterness, a very large majority of the people of North Carolina long for peace, and harmony, and good will, and security of life and property. But this matter is in the hands of Congress. The States have no control over it. Let the Nation show its power everywhere to maintain the laws, to punish those who may resist its authority, and to sustain the reconstructed States in securing to their citizens as thorough freedom and as profound peace and quiet

as exist in other States; but it at the same time exhibits that magnanimity and mercy towards all, which, after nine years of conflict and strife and ill will would so admirably grace the freest, the proudest and the greatest people on the face of the earth.

"In conclusion, Gentlemen, allow me to say that I trust your deliberations will result in good to the whole people of the State. Let our trust be in God, who governs absolutely in the affairs of nations, that He will overrule all our councils for good, and that He will shower his choicest blessings on our beloved State."

On the 4th day of July, 1868, after the delivery of my Inaugural, and after the remarks of Lieut. Gov. Caldwell and Judge Reade, of the Supreme Court, I repaired alone to the Executive office to receive from Gov. Worth the keys of the office. I found him in the office with his private Secretary, Wm. H. Bagley, and one of his pages, Mr. Johnson Busbee. He received me politely but curtly, and offered me the following paper which he asked to be recorded in the Governor's book. He had ceased then to be Governor, and had therefore no right to have the paper recorded. I treated him courteously and gently, because of his advanced age, and because he had been the Governor of the State. He said to me, "You have no right here as Governor, your election is not valid, and I would resist you if I had the power, but as I have not, I surrender the office to you under military duress." I told him of course I would not argue the

question, because it was settled already by the action of Congress and the federal government. He then said, "You have treated me rudely." I replied: "Governor, I have had no intention to treat you rudely or unkindly. I have not been to your office simply because I was not invited." "Well sir," said he, "you have called me a liar." I replied: "I am sorry to hear you say so, and I think you must be mistaken. Your age and your position render it very unlikely that I would insult you." I said to him at last: "Governor Worth, if you are correct in your assumption that I have called you a liar I think I can so refresh your memory that you will percieve that you called me a liar first. Do you recollect, Sir, in April, 1867, after the passage of the Reconstruction Act by Congress and the Military Bill designed to put those acts in execution, you and Mr. Pell and Mr. Gales, and Mr. Richard H. Battle called a meeting at the northern front of the Capitol, and that all of you addressed it? It was understood, though it was not said in so many words, that you were there to carry out the act of Congress. I was present but silent, because it was your meeting. You had a copy of my paper in your hand and read from it and said, 'The editor knew when he penned that, that it was a falsehood.'" To this he made no answer. He then spoke of certain measures that were pending and said he would be glad to call and consult with me about them. I told him I would be glad to see him and consult with him on public affairs. He then arose to go. He looked for his pony in the yard, and said, "They have taken my pony, too." I said, "No,

Governor, your pony is just beyond the statue of Washington." I walked out with him beyond the statue and shook hands, and he mounted and rode home.

I now give the paper which he asked to be recorded:

"State of North Carolina, Executive Department,
"Raleigh, July 1, 1868.

Gov. W. W. Holden, Raleigh, N. C.:

"SIR:—Yesterday morning I was verbally notified by Chief Justice Pearson that in obedience to a telegram from General Canby, he would to-day, at 10 a. m., administer to you the oath required preliminary to your entering upon the discharge of the duties of *Civil Governor* of the State; and that, therefore, you would demand possession of my office.

"I intimated to the Judge my opinion that such proceeding was premature, even under the Reconstruction legislation of Congress, and that I should probably decline to surrender the office to you.

"At sundown, yesterday evening, I received from Colonel Williams, Commandant of this Military Post, an extract from the General Order No. 120, of General Canby, as follows:

'Headquarters Second Military District,
Charleston, S. C., June 30, 1868.

'General Order No. 120.

[EXTRACT.]

'To facilitate the organization of the new State governments, the following appointments are made:

To be Governor of North Carolina, W. W. Holden *vice* Jonathan Worth, removed; to be Lieutenant-Governor of North Carolina, Tod. R. Caldwell, Lieutenant-Governor elect, to fill an original vacancy — to take effect July 1, 1868, on the meeting of the General Assembly of North Carolina.'

"I do not recognize the validity of the last election, under which you and those co-operating with you claim to be invested with the civil government of the State. You have no evidence of your election save the certificate of a Major General of the United States army. I regard all of you as, in effect, appointees of the military of the United States, and not as 'deriving your powers from the consent of those you claim to govern.' Knowing, however, that you are backed up by military force here, which I could not resist if I would, I do not deem it necessary to offer a futile opposition, but vacate the office without the ceremony of actual eviction, offering no further oppositon than this, my protest. I would submit to actual expulsion in order to bring before the Supreme Court of the United States the question as to the constitutionality of the legislation under which you claim to be the rightful governor of the State, if the past action of that tribunal furnished any hope of a speedy trial. I surrender the office to you under what I deem military duress, without stopping, as the occasion would justify, to comment upon the singular coincidence that the present State Government is surrendered as without legality to him whose

own official sanction, but three years ago, declared it valid.

"I am, very respectfully,

JONATHAN WORTH,
Governor of North Carolina."

I had known Jonathan Worth a long time. After I had taken grounds for the Union in 1860 Mr. Worth and myself were political friends. During the War, towards its close, I invited him to my house one night to meet B. F. Moore, and Joseph S. Cannon, Esqs., to advise me as friends whether I should continue my newspaper or suspend it for a while. They all concurred in the advice to suspend, and I did so for a month or two. I was induced to do so by apprehension of the effect produced on the Confederate government at Richmond by the misrepresentations of certain persons in North Carolina as to the course of the *Standard*. The friends whose advice I had thus asked feared that I could not continue my paper as an independent journal without being in danger of arrest.

Mr. Worth had been my former Treasurer, and I was surprised to find him at the end of that year opposing me for Governor. Our rooms were opposite, and I saw him every day, and yet we had no conversation on the subject. He had been a useful and faithful public officer.

I had been Provisional Governor for seven months. On the 29th day of December, 1865, President Johnson retired me from the office, and accepted Jonathan Worth, chosen by the people in my place. Under

both myself in 1865 and Governor Worth in 1866 and 1867, and for six months in 1868, the people of North Carolina had had a government. At the end of that time President Johnson gave place cheerfully to a government established by the Congress. Provisional, or temporary government had passed away, and the government for the future was to be a permanent one as before the war and was to endure forever. North Carolina was about to enter upon a career as a self-governing State, as the equal of New York or Massachusetts.

And now I ask the reader to examine carefully again the protest of Governor Worth. He had taken my place in December 1865 just as cheerfully and as promptly as I had retired from it. Suppose, for example, the Hon. Thomas S. Ashe had been elected Governor in my place, would not Gov. Worth have yielded to him at once? Would not his Democratic friends have required it of him? But instead of this, he took a position in his protest that rather than have a Governor chosen by the Republican vote, he would have no Governor at all. Suppose I and all those chosen with me under the Reconstruction Acts had heeded his protest and had done what he held was right, what would have been the result? There would have been no Executive in North Carolina; no Judicial and no Legislative departments; no law and no order; no society; no people indeed, but only natural law and the rule of the strongest and the worst. Did Gov. Worth and his friends desire this awful condition of things? Most certainly not. His protest was hailed and approved throughout the

State by his partisan friends, and to this day there has been no condemnation of it in so many words. But no such state of things as this would have been permitted one moment by the federal government. Hon. Thaddeus Stevens had proposed to me that while I was laboring to reconstruct the State on the white basis, to consent to agree with him to hold this State and all out-lying States under military rule for ten years. During this period, he said, the negroes, who had never taken part in self-government, would be instructed and fitted for citizenship; the people of the out-lying States would have territorial governments and would be provided for by Congress as the Territories are, and at the end of the ten years referred to frame their constitutions as States and thus be admitted into the Union. I objected to this most strenuously. He said: "Well, I will present your bills, but they will not pass. I am generally twelve months ahead of my friends. The Senate has already voted on Negro suffrage, and there were only seven Senators recorded for it. In my county in Pennsylvania there are fifteen hundred escaped slaves. If they are the specimens of the negroes of the South they are not qualified to vote. Twelve months hence you will have reconstruction acts with Negro suffrage." [1]

[1] According to David R. Goodloe Mr. Holden and John Pool went to Washington in the winter of 1866-67 and advocated the reconstruction of North Carolina without negro suffrage, but with the disfranchisement of all whites who could not swear they were for the Union within 100 days after Lincoln's Amnesty Proclamation of 1863. A plan of organization on this basis was authorized by them in a bill. This account of Mr. Goodloe fits in with the remarks of Stevens given by Gov. Holden. See *Biographical History of N. C.* Vol. 1, p. 197. (Ed.)

Within three months after my inauguration, I deemed it prudent and proper to issue the following proclamation:

A PROCLAMATION,
BY HIS EXCELLENCY, THE GOVERNOR OF
NORTH CAROLINA.

"Executive Department,
"Raleigh, October 12th, 1868.

"Information has been received at this department that military weapons, such as repeating rifles of various kinds, have been imported into this State, and have been distributed with ammunition and equipments to citizens in several localities. It is believed that boxes containing arms, ammunition and equipments are concealed in divers places, ready to be distributed as opportunity may offer.

"The object of the persons thus engaged must be either to subvert the government, to resist the constituted authorities, or to prevent a free election in this State on the third day of next month.

"The government of North Carolina has been lawfully and constitutionally established. This government has been freely and voluntarily formed by a majority of the citizens in pursuance of acts constitutionally passed by the Congress, under which my immediate predecessor held office from the 2d day of March, 1867, to the first day of July, 1868. The constitutionality of these acts, if questioned during this period, were nevertheless subscribed to and maintained by him, and by every department of the government, from the

said 2d day of March, 1867, to the said 1st day of July, 1868; and now that they have been executed by the common consent of the whole people voting under them at the polls for members of a Convention, for the new Constitution, and for members of Congress and State officers, the result which has been effected closes the discussion in relation to them, and renders the present Constitution of government as valid and binding as were the Constitutions of 1776 and 1835.

"This government will be maintained for the following, among other reasons:

"1st. It has been lawfully and constitutionally established by the whole people of the State. It is operating smoothly and harmoniously. Under it the people are quiet and peaceable, and are just entering anew on a career of prosperity. It must not be upset or even assailed, because the colored people have been allowed to vote; or because they will vote with a certain party; or because a few public men are out of office and a few are in.

"2d. Senators and Representatives have been admitted by the Congress to seats in that body. The State is, therefore, *of* as well as *in* the Union. It is as much of the Union as New York or any other a State out, or sever its relations with the common government. If Congress should, therefore, do what is exceedingly improbable, repeal the reconstruction acts, such repeal would have no more effect than a repeal of the act admitting Texas or Kansas to representation. The reconstruction acts have been

executed, and are, therefore, beyond the reach of Congress.

" 3d. The Supreme Court has no jurisdiction of the subject. Its powers are expressly defined by the Constitution to be "judicial," and not political. It has already decided that the question of admission to representation is a political question, and that when determined by Congress, as it has been in relation to North Carolina, the court will not interfere.

" 4th. The President would have no more power to declare the reconstruction acts null and void, with a view to the extinguishment of the government of this State, than I would have to declare that a certain County or Counties in this State should cease to exist.

" The government of North Carolina is, therefore, as firmly established as that of any other State. It has the same control of the right of suffrage, and of its own internal affairs, as the other States have; and it possesses equal power with the other States to protect and perpetuate itself.

" The right of the people to have arms in their houses, and to " bear " them under the authority of law, is not questioned. On the contrary, it is claimed as a constitutional right sacred to freemen. The use of arms by the male population, for peaceable and lawful purposes, should rather be encouraged than otherwise; but when, in time of peace, weapons of an extraordinary character are imported into the State by political organizations, and deposited and distributed in a secret manner among persons whose spokesmen deny the authority of the existing gov-

ernment, and who publicly declare that all government, to be authoritative and binding, must proceed alone from one race of our people, a state of affairs is at once constituted which renders it the duty of every officer and every citizen to be more than usually vigilant. It cannot be pretended that these arms are intended for hunting or sporting purposes. It cannot be justly assumed that they are necessary for the protection of those who have them, since the whole power of the State and general governments is pledged to protect the peaceable and the law-abiding, whoever and wherever they may be.

"If it be the purpose of any portion of the people in any event to resist the laws or to subvert the government, they should bear in mind that TREASON is the highest crime that can be committed; that they are liable to arrest and punishment under the "Act to punish conspiracy, sedition and rebellion," which will be enforced, if necessary, with a firm hand; and they should reflect that the magnanimity of the government, which spared the lives and estates of those who engaged in the late rebellion, may not be extended a second time to save them from the consequences of their crimes.

"If it be the purpose of any portion of the people, by the use of arms, or by threats, or intimidation, to prevent the people from going to the polls and voting as they may choose to vote on the third day of next month, it is my duty to inform them that force will be met with force, and that every person who may thus violate the law will be punished. Every race of men in this State is free. The colored citizen is

equally entitled with the white citizen to the right of suffrage. The poor and the humble must be protected in this right equally with the affluent and the exalted. The election must be absolutely free.

"In view, therefore, of this condition of affairs, I have deemed it my duty to issue this Proclamation, admonishing the people to avoid undue excitement, to be peaceable and orderly, and to exercise the right of suffrage firmly and calmly, without violence or force of any kind. Every good citizen is gratified that North Carolina is at present as quiet and peaceable as any State of the Union. Let us maintain this good name for our State. Let us frown indignantly on the use of brute force, or bribes, or threats, to control the election; and let every officer of the State, civil and military, be prepared to check instantly any incipient step to sedition, rebellion or treason.

"The flag of the United States waves for the protection of all. Every star upon it shines down with vital fire into every spot, howsoever remote or solitary, to consume those who may resist the authority of the government, or who oppress the defenceless and the innocent. The State government will be maintained; the laws will be enforced; every citizen, whatever his political sentiments, will be protected in his rights; the unlawful use of arms will be prevented, if possible, and if not prevented, will be punished; and conspiracy, sedition and treason will raise their heads only to be immediately subdued by the strong hand of military power. The General commanding this department has instructed the dis-

trict and post commanders to "act in aid and co-operation, and in subordination to the civil authorities," in maintaining the peace and in securing a free election. The power of both governments is thus pledged to peace, order and tranquility.

"It is specially enjoined on all officers of the Detailed Militia to observe the "act to organize a militia of North Carolina," and to act in strict subordination to the civil power. And all Magistrates, Sheriffs and other peace officers are also specially enjoined to be vigilant, impartial, faithful and firm in the discharge of their duties, magnifying and enforcing the law, ferreting out offenders, protecting the weak against the strong who may attempt to deprive them of their rights; to the end that the wicked may be restrained, the peace of society preserved, the good name of the State maintained, and the government perpetuated on the basis of Freedom and Justice to all.

"Done at our city of Raleigh, on the 12th
[L. S.] day of October, in the year of our Lord one thousand eight hundred and sixty-eight, and in the ninety-third year of our Independence.

W. W. HOLDEN, *Governor.*

By the Governor:

ROBERT M. DOUGLAS, *Private Secretary.*"

In addition to this I issued four other proclamations down to June 6, 1870, urging and beseeching the people without respect to party or color, to respect and venerate the law, to protect and preserve human life and to demean themselves as good citizens.

By the Constitution of this State I was empowered to be commander-in-chief to call out the militia, to execute the law, suppress riots and insurrections, and to repel invasion. On the 16th day of December 1869 I sent the following message to the Legislature:

"EXECUTIVE DEPARTMENT, RALEIGH,
December 16, 1869.

To the Honorable, the General Assembly of North Carolina.

"Gentlemen:—Allow me respectfully and earnestly to call your attention to the necessity which exists for such amendments to the militia law as will enable the executive to suppress violence and disorder in certain localities of this State, and to protect the persons of citizens, their lives and their property.

"Since my last annual message, dated Nov. 16th, 1869, numerous outrages of the most flagrant character have been committed upon peaceable and law-abiding citizens, by persons masked and armed, who rode at night, and who have thus far escaped the civil law. I have adopted such measures as were in my power to ferret out and bring to justice all breakers of the law, without reference to their color or to the political party or parties to which they belong, and I am satisfied that Judge and solicitors in the various circuits have been prompt, energetic and impartial in the discharge of their duties. Notwithstanding this, Gentlemen, the outrages referred to seem to be rather on the increase in certain localities in so much that many good citizens are in a constant

state of terror and society in said localities is in a deplorable condition. It is for your honorable body to apply the remedy by so strengthening the arm of the executive as to enable him to repress these outrages and restore peace and order. I have confidence in your wisdom, in your regard for law, and in the disposition which I feel sure exists in every member of your honorable body to adopt such measures as will speedily put an end to the evils complained of.

"I have the honor to be, Gentlemen, with great respect,

"Your obedient servant,

W. W. HOLDEN, *Governor.*"

This message of the Governor, of the 16th of December, 1869, led to the enactment of what is called the Shoffner law. This law authorized the Governor to declare certain counties in insurrection. That is, it suspended civil law and authorized the arrest of suspected persons. The reader will perceive that at last my duty required me to do this, as this message states. The violation of law and the outrages referred to, seemed to be rather on the increase in certain localities, and left me therefore no alternative, but to proclaim Alamance and Caswell in a state of insurrection. The gist or substance of the Shoffner act was to authorize me to suspend the civil law when in my judgment it was necessary to do so. I was fully aware of the great responsibility, but human life was above all price. As I said to Mr. Albright of Alamance, I did not care how the elections of 1870 went if by what I did I saved one

human life. The civil and military are alike constitutional powers; the civil to protect life and property when it can, and the military only when the former has failed.

Dr. Pride Jones had said, "My candid opinion is that the Ku Klux cannot be put down by force, without a dreadful amount of blood-shed and crime."

I authorized the formation of two regiments of militia, or troops, one to be commanded by Col. Wm. J. Clarke, and the other by Col. George W. Kirk. Both of these officers were men of large experience. Col. Clarke was an old and well-tried veteran of two wars. He had fought and won distinction in the War with Mexico, and in the war between the United States and the Confederate Government. Col. Clarke was ridiculed a good deal by the "penny a liners" but his character could not be impaired by any of the fault-finders. Col. Kirk was fiercely, and roundly, and unjustly assailed by his enemies, mainly because he was a native, loyal man. He had raised three regiments of North Carolineans and Tennesseans for the federal government and had been a faithful soldier of the Union. He was employed by me in good faith in accordance with law, and North Carolina still owes him a part of his salary. His command consisted mainly of loyal men who fought under him for the Union. After the War, when peace was made, all but those who were especially malignant, regarded with equal respect all brave men whether they had fought for the South or for the Union, no matter where they came from. One strong evidence of his fitness and worthiness to command

is, when he came into Asheville with his regiment he was stationed in that town by the General, and the people of that town were well pleased with him. It was stated in some of the evidence (sic) (in the impeachment proceedings) that he had said that if he were attacked at his place in the Court House at Yanceyville, that he would resist and burn the town and murder the women and children. There is no foundation whatever for this story, and there is less foundation if possible for the further statement that the Governor had so told him to do. As to the men who composed his command, they were nearly all North Carolinians. What odds did it make that some of them were Tennesseans? Col. Kirk knew them all well and they were sworn soldiers, as he was, of North Carolina. And then the counsel for the State (sic) (in the impeachment proceedings) made a great ado over Col. Kirk's address issued to his old soldiers to induce them to join his regiment. Mr. Cornelius B. Edwards and his brother were in danger of being arrested for contempt, for a very little thing, which I myself could have settled at once, if I had been called upon. I did not write, but simply copied what Col. Kirk had written. I simply saw the paper lying on my desk. I thought Col. Kirk ought to be allowed to make his own speech or to frame his own address, but it was ungrammatical. I simply copied it and put it in good shape, and added nothing to it as a printer. That was all, and yet these young men were in danger of being arrested because they did not take

from the office and bring to the Senate as they had no right to do, the copy of the address referred to.

Nor is it true that any persons arrested were cruelly treated by my orders, and with my knowledge. I gave the strictest orders to the officers both verbally and in writing to treat all persons humanely, and to be very careful of human life. Nor is it true that I sent Col. Kirk to Alamance and Caswell as a scourge to the people of those counties.

I spared no means and no labor for the space of two years.

In the year 1869 there were disturbances and violations of the law in the Counties of Jones, Craven and Lenoir. In accordance with law, at the call of the judges of the judicial circuits, I sent a company of white men consisting of twenty-five (25), as Detailed Militia, to the County of Lenoir, and arrested eighteen men, and held them under orders in jail in Newbern until the judge of the circuit could return from New York, whither he had gone on a visit, and to give them a hearing. They were bailed in large amounts, but inasmuch as the disorders ceased, and the people generally were active in supporting what I had done, I ordered the release of all under arrest without trial. This action on my part was not disapproved by the community, but was, on the contrary, approved. I wrote to the honorable M. E. Manley of New Bern, offering him $500.00 as a fee to appear for the State in these cases, but he declined the fee, giving as his reason that he had ceased to appear in criminal cases.

In the early part of 1870 I employed in Chatham

County Capt. N. A. Ramsey, and in Orange, Capt. Pride Jones, both belonging to the political party opposed to my administration, to aid in suppressing the Ku Klux, and in composing the trouble in those counties. They performed this duty in a manner which entitled them to the thanks of every friend of law and order. Dr. Jones was appointed at the request of John W. Norwood, George Laws, James Webb, Henry K. Nash, Henry N. Brown, and O. Hooker. I give below the following correspondence between myself and Dr. Pride Jones.

"Hillsborough, N. C., March 1st, 1870.

"Sir: On the 3d inst., I had a long conversation with Mr. John W. Norwood in reference to an interview that he has recently had with your Excellency. He urged me to accept of a commission from you, for the purpose of attempting to disband the secret organization in this County, known as "Ku Klux," and restoring the laws to their supremacy.

"This is a consummation heartily to be desired by all good citizens; and though more averse than ever to any position in the service of the public, I feel constrained, by a sense of duty, to give my best exertions, however feeble they may be, in aiding the restoration of peace and order, and, should you deem me qualified for the position, I will accept of it.

"I feel certain that in this County I can further your views, and I believe that if my commission is extended to Alamance, I can exercise considerable influence there also.

" But if, as is rumored here today, your Excellency has, in obedience to the dictates of your duty, ordered troops to that County, you must pardon me for saying that I look with apprehension to the result; and my candid opinion is that the "Ku Klux" cannot be put down by force without a dreadful amount of bloodshed and crime, and that the wise course adopted by you in Chatham would be much more effective here also. If troops have gone there, of course they cannot be recalled at once; but I consider it of vital importance, should you consider it expedient to extend my commission to that County, for you to give me some authority in the premises, and enable me to say that upon such and such things being done, that you will recall the troops.

" I would further suggest that your instructions upon the subject of oblivion and pardon of the past be explicit and clear, or my labors may be unavailing.

" It may be proper to add that I am not a member of the "Ku Klux" or any other secret political organization whatever.

" Very respectfully,

" Your obedient servant,

PRIDE JONES.

"His Excellency, W. W. Holden, Raleigh.

" HILLSBOROUGH, March 5, 1870.

To His Excellency, W. W. Holden, Governor of N.C.

" Sir: The undersigned, citizens of Orange County, respectfully recommend Dr. Pride Jones, of Hillsboro, as a suitable person to receive a Captain's

"Commission for Orange County. We believe his appointment would give entire satisfaction to our citizens, and would go far towards establishing, on a firm basis, good order throughout the County.

"Very respectfully,

(Signed) J. W. NORWOOD,
GEO. LAWS,
JAMES WEBB,
HENRY K. NASH,
HENRY N. BROWN,
O. HOOKER.

"STATE OF NORTH CAROLINA,
EXECUTIVE DEPARTMENT,
RALEIGH, March 7th, 1870.

"To CAPT. PRIDE JONES:

"Sir: Please find enclosed a Captain's Commission in the 45th Regiment Orange Militia. You will observe by the papers that I have been constrained to declare the County of Alamance in a state of insurrection. I have done this with reluctance and regret. The civil law is silent and powerless in that County. Many of the people of that County feel that they are entirely insecure in their persons and property, and their only hope is in such protection as the military can afford them. Federal troops, commanded by States officers, will be employed. The innocent and the law-abiding will be in no danger; but it is indispensable to bring the guilty to punishment. I agree with you that the Klan of Ku Klux is very formidable and warlike, but I fear it will grow

with indulgence, and that if vigorous measures be postponed it will ultimately occasion much civil strife and bloodshed. I am most anxious to preserve Orange, Chatham and other Counties surrounding Alamance from the infection of insurrection in the latter County. Capt. Ramsey is doing good work in Chatham. The civil officers of the County of Orange are the friends of law and order, and are performing their duties like patriots. I wish you, sir, to take command in Orange. I believe you can thus perform efficient and valuable service for your State.

If you should accept this position, I should rely in a great degree upon your firmness, moderation and discretion, and therefore, at present, give no special instructions as to the manner in which you will discharge your duty. Your pay, while on duty, will be that of a Captain in the Regular army of the United States. I would be glad to hear from you at an early date.

Very respectfully,

W. W. HOLDEN, *Governor.*"

"HILLSBOROUGH, N. C., March 9, 1870.

His Excellency, W. W. HOLDEN:

"Sir: Your favor of the 7th instant reached me this morning with accompanying documents.

"I accept the commission and have already commenced the discharge of its duties. On yesterday I went eight miles in the country, believing that there was no time to be lost if my commission was to result beneficially, and was much gratified to find the par-

ties appealed (to) earnestly responding to my wishes.

"From the facts stated to me by Mr. Norwood, I represented that the past would be overlooked, provided there was a disbanding of the klans, and no further infraction of the law; and I sincerely hope that your Excellency in your special instructions, for which I respectfully ask at your earliest convenience, will sustain me in the position assumed; for with such instructions I feel perfectly assured that I can restore the laws to their just supremacy, and this I take to be at this time the main object of my commission.

"I am, sir,

"Very respectfully,

"Your ob't servant,

PRIDE JONES."

"N. B. I omitted to suggest that if the "Leaguers" were embraced in my instructions it would facilitate matters very materially. P. J."

"RALEIGH, March 17, 1870.

"TO CAPTAIN PRIDE JONES:

"Sir: Yours of the 9th was duly received, and would have been answered sooner but for the pressure of other business.

"I am gratified at your acceptance of the commission, and trust that your efforts will result beneficially to society.

"It will readily occur to you that as the Executive I have no power to proclaim amnesty. The Solicitor

may enter a nol. pros., or he may not, and the Judge may then sentence, and then the power of commutation, or pardon, is with the executive. I am ready to do all that I can under the Constitution and laws to compose troubles. It is not my purpose to prosecute or to take vengeance on any. What we want is submission to the laws, and peace in all the neighborhoods in the County. Public opinion can effect this more certainly and on a more permanent basis than the ministers of the law can, under present circumstances. It is an important part of the duty assigned you to embody and direct this public opinion. In doing this, much must be necessarily left to your own discretion. You are thoroughly acquainted with the people of the County. You know their peculiar temperaments, their habits and their modes of thought. Their prejudices, even, should be respected.

"But the object of all this is to restore peace and good order.

"Every citizen, no matter of what color, or how poor or humble, has a right to labor for a living without being molested; to express his political opinions without let or hindrance; and to be absolutely at peace in his own house. Every citizen has a right to attach himself to a secret political organization; and these organizations are harmless, so long as they respect the rights of persons and property. But, though lawful, they are not expedient. The time has passed when they were even expedient. They can effect no special good at present, but they may be the cloak or the occasion for mischief. Especially are they so when the members disguise themselves, and take

arms and ride through neighborhoods breaking the peace and terrifying the inhabitants. You will, therefore, mildly but firmly discountenance and discourage all secret political organizations, and especially those that put on disguises and carry arms. It is a misdemeanor to go thus disguised with intent to terrify, and it is felony thus to commit any act of violence.

"The authority with which you are invested is to exercise a strict subordination to the civil power.

"I take it for granted the sheriff of Orange can execute any process that may be placed in his hands. But, if resisted, you are authorized to take men to his aid as posse comitatus, to insure the arrest of criminals. And if criminals enter Orange from Alamance they should be arrested and held for trial.

"Your attention is directed to the Acts published in the Standard, Sentinel, and Recorder immediately after my proclamation of the 7th of March. Also to the "act making the act of going masked, disguised or painted a felony," laws of 1868-69, chapter 267, page 613.

"I would be glad to hear from you frequently as to the progress you are making in maintaining law and order in Orange.

Very respectfully,

"W. W. HOLDEN, *Governor.*

Nor was I wanting at any time or any way in generosity or kindness to the people, or to my opponents. I was careful never to intrude myself on conventions or Legislatures called or chosen by myself. I had too much respect for such bodies to present even

an appearance of arbitrary power. I never attended even the convention called in 1865, or either House of the Legislature of the same year. But in 1868 while the Legislature was in session, walking in the rotunda of the Capitol, I heard someone say, " They are having high times upstairs." I replied, "What's the matter?" I was told that they were about to expel Robbins. I then went upstairs for the first time into the Senate chamber. Mr. Senator Robbins, of Davidson County, was defending himself against a charge of bribery. The house was Republican by two-thirds vote. I asked what the charge was. I was told it was for receiving $20 for making a speech in the Senate for paying Mr. John W. Stephens mileage. I said, "That is not so, it cannot be true." I then saw Mr. Senator Lassiter and other Senators, and Mr. Stephens himself, and asked them to work with me and dissuade them from passing the resolution of expulsion. The result was, we saved him by three majority in a body two-thirds Republican. I refused to join my party friends in their persecution of a worthy man because he was a Democrat. I afterwards forbade the use in the Standard of "twenty-dollar Robbins."

On another occasion in Raleigh, between the times when I was Provisional Governor and when I was regular civil Governor, I interposed to save a friend, a Democrat, who was in trouble. It was Major D. G. McRae, of Fayetteville. He was in military prison on the site of the old fair grounds in East Raleigh. I called on the officer in command and asked to see D. G. McRae, and to know the charge on which he was held. He sent for him, and he was brought in.

The officer said: "Mr. McRae is held to be tried because he said after he had tried a negro man for rape, 'Damn him, kill him.'" I said to the officer, "I hope you will release Maj. McRae at once, he is very far from being such a man as that, it is simply impossible that he should have said that; I beg you, Sir, to release him and let him go home," which he did at once. Col. James F. Taylor had gone with me to the prison to see Maj. McRae. I had myself appointed Maj. McRae magistrate, and knew him well.

And there was Captain Tolar, of Fayetteville, who was tried for the murder of this same negro, and convicted by a court martial and sentenced to hard labor on the fort at Beaufort, N. C. That was in 1867. I wrote to President Johnson stating the facts, and asked for his pardon. He was pardoned. Another case was that of a young man, the eldest son of Governor Bragg, who was engaged in a difficulty with another young man, and shot him in the groin. Young Bragg was in serious peril. Mr. Fowle (now Gov. Fowle) appeared for him. Young Bragg, knowing my friendship for, and influence with the young man whom he had shot, and with his father and mother, called to see me, and asked me if possible to settle the matter and relieve him from the indictment then pending in the court. I went at once to see the young man who had been shot, and his mother. The matter was promptly arranged and settled on young Bragg paying certain expenses. It is more than probable that no one else than myself could have settled it. Young Bragg was the oldest son of my prosecutor, Ex-Gov. Bragg, who was then dead.

Gov. Fowle and Pulaski Cowper, Esq., will bear testimony that these things are so.

On the 22nd of November, 1870, I sent my third and last message to the General Assembly. In this message I used the following language:

"The present government of North-Carolina commenced its operations on the 4th day of July, 1868. This government is based on the political and civil equality of all men, and it was lawfully and constitutionally established by the whole people of the State. The State had just emerged from a protracted and desperate conflict with the government of our common country, in which many valuable lives and a vast amount of property had been sacrificed. It was hoped and expected that the government thus established, after so much suffering and so many calamities, would be allowed to move quietly forward, protecting all alike, dispensing its equal benefits with an equal hand, and preparing the way for a realization of that prosperity which the State had formery enjoyed. But the validity of the Reconstruction Acts was questioned, and the authority of the State was represented as having been derived in such a manner as to render it binding on the people only nutil an opportunity should be offered to throw it off. Combinations were formed in various parts of the State, of a secret character, the object of which was to render practically null and void the Reconstruction Acts, and to set at naught those provisions of the Federal and State Constitutions which secure political and civil equality to the whole body of our people. My attention was first called to these combinations in October, 1868, and I

then deemed it my duty to issue a proclamation, setting forth the nature of our government, the manner in which it had been established, vindicating its authority as a government, not merely *de facto,* but *de jure,* and giving warning of the consequences that must follow, if any attempt should be made to subvert the government, or to assail by force the right of suffrage as guaranteed to any portion of our citizens. In that proclamation I said: 'Every race of men in this State is free. The colored citizen is equally entitled with the white citizen to the right of suffrage. The poor and the humble must be protected in this right equally with the affluent and the exalted." It was also enjoined upon "all magistrates, Sheriffs and other peace officers to be vigilant, impartial, faithful and firm in the discharge of their duties, magnifying and enforcing the law, ferreting out offenders, protecting the weak against the strong who may attempt to deprive them of their rights; to the end that the *wicked may be restrained,* the peace of society preserved, the good name of the State maintained, and the *government perpetuated* on the basis of Freedom and Justice to all.'

"And in April, 1879, after the General Assembly, had passed "An Act making the act of going masked, disguised or painted, a felony," I issued another proclamation setting forth this Act, and giving notice that 'bands of men who go masked and armed at night, causing alarm and terror in neighborhoods, and committing acts of violence on the inoffensive and defenceless,' and 'depredators and robbers, who lived

on the honest earnings of others,' would be followed and made to feel the penalty due to their crimes.

"And in October, 1869, I deemed it my duty to issue another proclamation, setting forth the fact that in the Counties of Lenoir, Jones, Orange and Chatham, "there is, and has been for some months past, a feeling of insubordination and insurrection, insomuch that many good citizens are put in terror for their lives and property, and it is difficult, if not impossible, to secure a full and fair enforcement of the law." I gave notice in this proclamation that violations of law and outrages in the aforesaid Counties must cease; otherwise I would 'proclaim those Counties in a state of insurrection,' and would 'exert the whole power of the State to enforce the law, to protect those who are assailed or injured, and to bring criminals to justice.'

"And in March, 1870, I was forced by a sense of duty to 'proclaim and declare that the County of Alamance is in a state of insurrection.'

"And in June, 1870, I issued another proclamation, in which, on account of ten murders mentioned, committed in four Counties, and other acts of violence, such as whipping, and the driving a State Senator from the State, I offered rewards for the arrest and conviction of murderers, amounting in the aggregate to a large sum. In this proclamation I denounced the outrages, such as murders and scourgings, by the Kuklux Klan, and also retaliation by others, such as the burning of stables, mills and dwelling houses; and I urged all officers, both civil and military, to

aid in bringing offenders to justice and restoring peace and good order to those portions of the State.

"And in July, 1870, I was forced by a sense of duty to declare the County of Caswell in a state of insurrection.'

" These proclamations are printed in the 'Appendix' to this document, and I trust every member of your honorable body will give them a careful perusal.

" In addition to these proclamations I addressed letters to various civil and military officers, and to citizens, urging the necessity of repressing these outrages and of enforcing the law. For the space of twelve months, while the laws were thus being set at naught, and while grand juries were failing to find bills, or, if they were found, petit juries refused to convict, I was almost constantly importuned by letters, and in person, by many of the victims of these outrages, and was urged to adopt some means of protection to society, and especially to the victims of the secret combinations referred to.

" These combinations were at first purely political in their character, and many good citizens were induced to join them. But gradually, under the leadership of ambitious and discontented politicians, and under the pretext that society needed to be regulated by some authority outside or above the law, their character was changed, and these secret Klans began to commit murder, to rob, whip, scourge and mutilate unoffending citizens. These organizations or these combinations were called the Ku Klux Klan, and were revealed to the public, as the result of the measures which I adopted, as "*The Constitutional Union*

Guards," "The White Brotherhood," and *"The Invisible Empire."* Unlike other secret political associations, they authorized the use of force, with deadly weapons, to influence the elections. The members were united by oaths which ignored or repudiated the ordinary oaths or obligations resting upon all other citizens to respect the laws and to uphold the government; these oaths inculcated hatred by the white race against the colored race; the members of the Klan, as above stated, were hostile to the principles on which the government of the State had been reconstructed, and, in many respects, hostile to the government of the United States. They met in secret, in disguise, with arms, in a dress of a certain kind intended to conceal their persons and their horses, and to terrify those whom they menaced or assaulted. They held their camps, and under their leaders they decreed judgment against their peaceable fellow-citizens, from mere intimidation to scourgings, mutilations, the burning of churches, school-houses, mills, and in many cases to murder. This organization, under different names, but cemented by a common purpose, is believed to have embraced not less than forty thousand voters in North Carolina. It was governed by rules more or less military in their character, and it struck its victims with such secrecy, swiftness and certainty as to leave them little hope either for escape or mercy. The members were sworn to obey the orders of their camps even to assassination and murder. They were taught to regard oaths administered before magistrates and in Courts of Justice, as in no degree bind-

ing when they were called upon to give testimony against their confederates. They were sworn to keep the secrets of the order—to obey the commands of the Chief—to go to the rescue of a member at all hazards, and to swear for him as a witness and acquit him as a juror. Consequently, Grand Juries in many Counties frequently refused to find bills against the members of this Klan for the gravest and most flagrant violations of law; and when bills were found, and the parties were arraigned for trial, witnesses, members of the order, would in nearly every case come forward, and, taking an oath before the Court on the Holy Evangelists to tell the truth, the whole truth, and nothing but the truth, would swear falsely, and would thus defeat the ends of justice. There are, at least, four Judges and four Solicitors in the State who will bear witness to the fact, from their own experience, that it was very difficult, if not impossible, to convice members of this Klan of crimes and misdemeanors. I have information of not less than twenty-five murders committed by members of this Klan, in various Counties of the State, and of hundreds of cases of scourging and whipping. Very few, if any, convictions have followed in these cases. The civil law was powerless. One State Senator was murdered in the open day in a County Court-house, and another State Senator was driven from the State, solely on account of their political opinions. In neither case was a bill found by a Grand Jury. A respectable and unoffending colored man was taken from his bed at night, and hanged by the neck until he was dead, within a short distance of a County

Court-house. Another colored man was drowned, because he spoke publicly of persons who aided in the commission of this crime. No bills were found in these cases. A crippled white man, a native of Vermont, was cruelly whipped because he was teaching a colored school. No bill was found in this case. The Sheriff of a County was waylaid, shot and killed on a public highway, and the Colonel of a County was shot and killed in the open day, while engaged in his usual business. A County jail was broken open, and five men taken out and their throats cut. Another jail was broken open, and men taken out and shot, one of whom died of his wound. Another jail was broken open and a United States prisoner released. No punishments followed in these cases. The members of this Klan, under the orders of their Chiefs, had ridden through many neighborhoods at night, and had punished free citizens on account of their political opinions, and had so terrified many of them by threats of future visitations of vengeance that they fled from their houses, took refuge in the woods, and did not dare to appear in public to exercise their right of suffrage. Some of these victims were shot, some of them were whipped, some of them were hanged, some of them were drowned, some of them were tortured, some had their mouths lacerated with gags, one of them had his ear cropped, and others, of both sexes, were subjected to indignities which were disgraceful not merely to civilization but to humanity itself. The members of this Klan, under orders of their Chiefs, had ridden, defiantly and unmolested through the towns of Hillsborough, Chapel Hill,

Pittsborough and Graham, committing crimes, defying the lawful authorities, and causing real alarm to all really good people. In fine, gentlemen, there was no remedy for these evils through the civil law, and but for the use of the military arm, to which I was compelled to resort, the whole fabric of society in the State would have been undermined and destroyed, and a reign of lawlessness and anarchy would have been established. The present State government would thus have failed in the great purpose for which it was created, to-wit: the protection of life and property under equal laws; and, necessarily, the national government would have interfered, and, in all probability would have placed us again and for an indefinite period under military rule.

"In June, 1869, about twelve months before I declared the Counties of Alamance and Caswell in a state of insurrection, I caused eighteen men, murderers and robbers, to be arrested in Lenoir and Jones. They were examined before Judge Thomas. Five of them turned State's evidence, and exposed the secrets of the Klan and the crimes of their confederates. None of them have been convicted. Yet, the result of these arrests was, that peace and order were almost immediately re-established in those Counties.

"In the early part of 1870 I employed, in Chatham, Capt. N. A. Ramsey, and in Orange Capt. Pride Jones, both belonging to the political party opposed to my administration, to aid in repressing the Ku Klux and in composing the troubles in those Counties. They performed their duty in a manner which

entitles them to the thanks of every friend of law and order.

"In July, of the present year, I deemed it my duty to embody a portion of the militia, and to make a number of arrests of suspected persons in the Counties of Alamance and Caswell. I exercised this power by virtue of the State Constitution, which declares that "the Governor shall be Commander-in-Chief, and have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion." And also by virtue of an Act of the General Assembly, passed at the session of 1869-'70, which provides that the "Governor is hereby authorized and empowered, whenever in his judgment the civil authorities in any County are unable to protect its citizens in the enjoyment of life and property, to declare such County to be in a state of insurrection, and to call into active service the militia of the State to such an extent as may become necessary to suppress such insurrection; and in such case the Governor is further authorized to call upon the President for such assistance, if any, as in his judgment may be necessary to enforce the law."

"This was my authority, gentlemen, for the course which I adopted in this grave emergency. It was my sworn duty, as Chief Magistrate of the State, to "execute justice and maintain truth." I was satisfied that the civil authorities in the Counties referred to were not able to protect their citizens in the enjoyment of life and property; and, after much forbearance, and many remonstrances, and when patience was exhausted, I could adopt no other course which prom-

ised to restore civil law and to re-establish peace and order in these Counties.

"Many of the persons thus arrested were examined before the Chief Justice and two of the Associate Justices of the Supreme Court, in this city, and forty-nine of them were bound over to appear and answer to the Superior Courts of Caswell and Alamance. It is supposed that not less than twenty or thirty of the worst characters in Caswell and Alamance and other Counties, have fled the State, to escape arrest and punishment for their numerous crimes.

"The correspondence between the Chief Justice and myself in relation to these matters, and all the material evidence elicited in the cases, are given in the Appendix to this document, to which I invite your attention.

"I did not proceed to final action in this matter until I had consulted the President of the United States, which I did in person in July last. It will be seen, by his letter published in the Appendix, that he sustained me in my action. The federal troops in the State at that time were re-inforced by his order, and every precaution was taken to prevent resistance to the steps which I deemed absolutely indispensable to the restoration of the civil law and the re-establishment of peace and order.

"The report of the Adjutant General, which will be laid before you, will contain information as to the operations of the militia in Alamance and Caswell, and statements of the expenses of the same. Any information on this or other subjects which the Gen-

eral Assembly may desire, will be promptly and cheerfully furnished.

"The result of this action on the part of the Executive, in pursuance of the Constitution and the laws, has been in the highest degree fortunate and benficial. The power of the State government to protect, maintain, and perpetuate itself has been tested and demonstrated. The secret organization which disturbed the peace of society, which was sapping the foundations of the government, setting the law at defiance, and inflicting manifold wrongs on a large portion of our people, has been exposed and broken up. Well meaning, honest men, who had been decoyed into this organization, have availed themselves of this opportunity to escape from it, and will henceforth bear their testimony against it as wholly evil in its principles and its modes of operation. A score or more of wicked men have been driven from the State, while those of the same character who remain have been made to tremble before the avenging hand of power. The majesty of the law has been vindicated. The poor and the humble now sleep unmolested in their houses, and are no longer scourged or murdered on account of their political opinions. Peace and good order have been restored to all parts of the State, with the exeception of the County of Robeson, in which some murderers and robbers are still at large, but it is expected they will speedily be arrested and brought to punishment. In view of this altered and gratifying condition of things I issued another proclamation on the 10th of this month, revoking former proclamations which placed Alamance and Caswell in

a state of insurrection. Allow me, gentlemen, to say to you in the language of this proclamation of the 10th instant, that I trust that peace and good order may continue; that partisan rancor and bitterness may abate; that our people of all classes and conditions may cultivate harmony and good will among themselves; and that the whole people of the State, without respect to party, may unite fraternally and cordially to build up North Carolina, and to elevate her to the proud eminence which she once occupied as a member of the American Union.

"It will afford me pleasure, gentlemen, to co-operate with you in such measures as may be considered best calculated to promote the prosperity and happiness of our people.

"I have the honor to be, with great respect,

"Your obedient servant,

W. W. HOLDEN."

CHAPTER V.

IMPEACHMENT

CHIEF JUSTICE PEARSON — LETTER OF GOVERNOR BROGDEN — ATTITUDE TOWARD THE REMOVAL OF DISABILITIES — LAST LETTER TO THE PUBLIC.

"The Trial of William W. Holden, Governor of North Carolina, on Impeachment by the House of Representatives, for High Crimes and Misdemeanors. Published by order of the Senate." These volumes thus entitled contain three thousand five hundred pages (3,500). I have waded through them all, a heavy task. The number printed is very small, only about three hundred. I would there had been three thousand (3,000). Let those who can, obtain a copy and read for themselves. The whole proceeding on the part of the State against the respondent was thoroughly partisan. The counsel for the State pressed the charges against me with as much particularity and vehemency as they would have done had I been arraigned for murder. I have read all their speeches, all their remarks throughout the whole proceedings, all their examination of the witnesses; and I here and now declare with the utmost solemnity, that I am not guilty of the charges preferred against me, and ought to have been acquitted on all of the eight as I was on the first two. There is no person so well qualified to say I am not guilty as myself. I *know* I am not guilty.

The impeachment was moved and sustained in the House of Representatives by Mr. Frederick Strudwick, of Orange County, on December 9, 1870. It was reported on by the Judiciary Committee of the House on the 14th of December, 1870, and approved by the House on the same date. On the 19th of December, Mr. Strudwick, in the chair of the House, the eight (8) articles of impeachment were read on motion of Mr. Welch, and were adopted. Messrs. Sparrow, Gregory, Dunham, Scott, Welch, Broadfoot and Johnston, of Buncombe, were appointed managers,— all Democrats — members of the House of Representatives, to conduct the impeachment before the bar of the Senate, also Democratic by two-thirds, and they were authorized to associate with them other counsel learned in law.

The trial was commenced on the 23rd of December, 1870, by a Court of Impeachment, consisting of the Senate, and thirty-six (36) Senators were sworn as constituting an organized court of impeachment, as announced by the Chief Justice. Richard C. Badger, Esq., one of my counsel, appeared before the court and announced my purpose to appear by counsel. The Chief Justice, who was presiding, then announced that the whole matter would stand for trial on the 23rd day of January, 1871. Thirteen (13) Senators in addition were added on that day of January, 1871, making the whole number of the Court forty-nine (49).

On the first (1) day of February, 1871, the Honorable L. C. Edwards presented himself and asked to be sworn as Senator, and as a member of the

Court from the County of Granville. My counsel protested against Mr. Edwards being added to the Court. There was no vote taken by the Court, but the Chief Justice, as Presiding Officer, allowed him to be sworn and take his seat, thus making a court of fifty (50), when really and truly the Court as organized consisted of only forty-nine members.

If the respondent was as clearly guilty of the charges preferred against him as the counsel for the State assumed he was, why were three of the ablest lawyers of the State associated with them, to wit: Ex-Governors Graham and Bragg, and Hon. A. S. Merriman, at one thousand each as fees? This obliged me in my defense, out of my own pocket, to employ Hon. W. N. H. Smith, Hon. Nathaniel Boyden, Hon. Edward Conigland, J. M. McCorckle, and Richard C. Badger, Esq., and to pay Mr. Smith and Mr. Conigland $1,000.00 each, and Mr. McCorckle $500.00. Seven managers on part of the House, aided by an able young lawyer, Sparrow, and three eminent men, two of them Ex-Governors of the State and both of them very hostile to me, and all Democrats, and I not on speaking terms with either of them, because I offended them politically!

Messrs. Sparrow, Welch, Graham, Bragg, Smith, Conigland, Boyden, McCorckle, Badger, and Pearson, who presided at the trial are all dead, and Judge Merriman only survives of the counsel employed.

W. P. Welch, a young lawyer from Haywood County, was selected to open the preliminary proceedings against me in the Senate, on the 15th day

of December, 1870. I find his remarks in the first volume of the impeachment trial. Whether he is living or dead I know not. I hope he is still living. He seemed profoundly impressed with the awful responsibilities of the situation. He said he had found a cause and found a criminal whose crimes were so great that such iniquity had never been laid to the charge of anyone. He said among other things, "We impeach him in the name of human nature itself, which he has cruelly outraged, injured and oppressed; and in conclusion the House of Representatives through us most heartily prays that God, the God of Eternal Justice, will protect the right."[1]

The Senate was resolved into a court, and the Chief Justice presided as required by the State Constitution. He had been invited to do so. He acquitted himself in this position with honesty and ability. He was only required in this position not to express any opinion as to the guilt or innocence of the accused, but only to conduct the proceedings of the court in accordance with the well-known and

[1] On the night of the 7th of October, 1836, I left Hillsborough, a lad not quite 18 years of age, on the stage coach from Greensborough with several young men, students of Caldwell Institute. Among them was (sic) Thomas Sparrow and William J. Clarke. I was destined to Governor of the State and Sparrow to be manager for my impeachment, and Clarke to command my troops.

In 1874 I was Postmaster in Raleigh. Mr. Sparrow called to see me. We had a long and pleasant conversation. Col. Clarke had meanwhile reminded him of what occurred 34 years before. He told me that he had been moved when a young man to preach the gospel, but had declined to do so. He said he had therefore all his life had what men call bad luck. He graduated at Princeton, read law with Judge Gaston, and entered on the practice well equipped and with bright hopes. He had not succeeded as he had expected he would. He knew that his party would impeach me, and without any personal dislike to me, he desired as a lawyer to have the reputation of appearing against me. He died a year or two ago. His son, a promising young lawyer at Beaufort, has recently left the profession of law and entered the ministry.

well settled principles of Parliamentary law. I had no intercourse with him after the trial commenced. I was disposed to protect him in his then situation by abstaining from seeing him at all. But I had the best reasons for believing afterwards that he regarded me as innocent, and that the writ of habeas corpus did not run in the counties of Alamance and Caswell. Mr. Boyden told me in my house in Washington City, in 1871, that Chief Justice Pearson had told him that I had the right, as Governor, to put those two counties in a state of insurrection, and therefore the writ did not run in those counties. "And," said Mr. Boyden, "he gave me points during your trial on which to defend you." On my return from Washington City I told Mr. Badger what Mr. Boyden had said. Mr. Badger said, "Why, he has told me the same thing. He has said to me I ought to have held your four points. I held but three. If I had held your fourth point the writ would not have run in those three counties."[1] Mr. Neathery, my former Private Secretary, was interrogated at length, and with much particularity, as to what occurred between Judge Pearson and himself at the time he was sent by me to see the Judge. He was sent by me because the time had arrived for a hearing in the habeas corpus cases. I had not refused habeas corpus, but had simply postponed it — as I had a right to do. I said in my letter to Judge Pearson, dated August 15, "I assure your Honor, that as soon as the safety of the State should justify it, I would

[1] The four points of Mr. Badger, I think, were made in his argument in the *Habeas Corpus* proceedings, case of A. G. Moore, July 16, 1870. But his speech has not been preserved. [ED.]

cheerfully restore the civil power, and cause the said parties to be brought before you, together with the cause of their capture and detention." Judge Pearson prepared some ten or twelve years ago a reply to certain charges which had been preferred against him, to be laid before the General Assembly of North Carolina. It was never laid before that body, but was published in the *News and Observer*. The copy of the defense was first deposited with Major Bagley, the Clerk of the Supreme Court. Judge Bagley, who was my friend, very kindly showed me the document, and allowed me to make a copy of it. He (Pearson) was charged with being a "tool of the Governor" and in complicity with him in defeating the ends of justice.[1]

I quote as follows from this document: "Writs were issued by me in July, to which the same reply was made. I left Raleigh under the impression, but without any communication with the Governor, that he would at a future day make return of the bodies, and the associate justices were requested by me to attend when notified of the time and aid in the examination of the question of probable causes. Accordingly, on an official notice that the Governor was ready to return the bodies, I came to Raleigh, as did Justices Dick and Settle, and the return was made." This showed beyond question, that I had not refused, but had only postponed *habeas corpus*.

I have not the space to publish all the correspondence between Judge Pearson and myself, but I give

[1] I have searched in vain to find a copy of Judge Pearson's *Defense*. It was not published in the *News and Observer* as Gov. Holden thinks. Some who claim to have seen it say it was published in the newspapers; others that it appeared in pamphlet form. [ED.]

below my letter dated Raleigh, July 26, and another letter to Judge Pearson, dated Raleigh, August 15, and another letter from Judge Pearson to me, dated August 18, 1870.

"EXECUTIVE DEPARTMENT,
"Raleigh, July 26, 1870.

To the HON. R. M. PEARSON,
Chief Justice of the Supreme Court of N. C.:

"SIR:—I have had the honr to receive, by the hands of the Marshal of the Supreme Court, a copy of your opinion in the matter of A. G. MOORE; and the Marshal has informed me of the writ in his hands for the body of said MOORE, now in the custody of my subordinate officer, Col. GEORGE W. KIRK.

"I have declared the counties of Alamance and Caswell in a state of insurrection, and have taken military possession of them. This your Honor admits I had the power to do "under the Constitution and laws." And not only this, "but to do *all* things necessary to suppress the insurrection," including the power to "arrest all *suspected* persons" in the abovementioned Counties.

"Your Honor has thought proper also to declare that the citizens of Alamance and Caswell are *insurgents,* as the result of the Constitutional and lawful action of the Executive, and that therefore, you will not issue the writ for the production of the body of Moore to any of the men of the said Counties; that "the *posse comitatus* must come from the County where the writ is to be executed," and that any other means would be illegal.

"I have official and reliable information that in the

Counties above named, during the last twelve months, not less than one hundred persons, " in the peace of God and the State," have been taken from their homes and scourged, mainly if not entirely on account of their political opinions; that eight murders have been committed, including that of a State Senator, on the same account; that another State Senator has been compelled from fear for his life to make his escape to a distant State. I have reason to believe that the governments of the said Counties have been mainly if not entirely in the hands of men who belong to the Kuklux Klan, whose members have perpetrated the atrocities referred to; and that the County governments have not merely omitted to ferret out and bring to justice those of this Klan who have thus violated the law, but that they have actually shielded them from arrest and punishment. The State judicial power in the said Counties, though in the hands of energetic, learned and upright men, has not been able to bring criminals to justice: indeed, it is my opinion, based on facts that have come to my knowledge, that the life of the Judge whose duty it is to ride the circuit to which the said Counties belong, has not been safe, on account of the hatred entertained towards him by the Klan referred to, because of his wish and purpose to bring said criminals to justice. For be it known to your Honor that there is a widespread and formidable secret organization in this State, partly political and partly social in its objects; that this organization is known, first, as *"The Constitutional Union Guard,"*—secondly, as *"The White Brotherhood,"*—thirdly, as *"The Invisible Empire:"*—that the members of this organiza-

tion are united by oaths which ignore or repudiate the ordinary oaths or obligations that rest upon all other citizens to respect the laws and to uphold the government; that these oaths inculcate hatred by the white against the colored people of the State; that the members of this Klan are irreconcilably hostile to the great principle of political and civil equality, on which the government of this State has been reconstructed; that these Klans meet in secret, in disguise, with arms, in uniform of a certain kind intended to conceal their persons and their horses, and to terrify those whom they assault or among whom they move; that they hold their camps in secret places, and decree judgment against their peaceable fellow-citizens, from mere intimidations to scourgings, mutilations and murder, and that certain persons of the Klan are deputed to execute these judgments; that when the members of this Klan are arrested for violations of the law, it is most difficult to obtain bills of indictment against them, and still more difficult to convict them, first, because some of the members or their sympathizers are almost always on the grand and petit juries, and secondly, because witnesses who are members or sympathizers unblushingly commit perjury to screen their confederates and associates in crime; that this Klan, thus constituted and having in view the objects referred to, is very powerful in at least twenty-five Counties of the State, and has had absolute control for the last twelve months of the Counties of Alamance and Caswell.

"Under these circumstances I would have been

recreant to my duty and faithless to my oath, if I had not exercised the power in the several Counties which your Honor has been pleased to say I have exercised Constitutionally and lawfully; especially as, since October, 1868, I have repeatedly, by proclamations and by letters, invoked public opinion to repress these evils, and warned criminals and offenders against the laws of the fate that must in the end overtake them, if, under the auspices of the Klan referred to, they should persist in their course.

"I beg to assure your Honor that no one subscribes more thoroughly than I do to the great principles of *habeas corpus* and trial by jury. Except in extreme cases, in which beyond all question "the safety of the State is the supreme law," these privileges of *habeas corpus* and trial by jury should be maintained.

"I have already declared that, in my judgment, your Honor and all the other civil and judicial authorities are unable *at this time* to deal with the insurgents. The civil and the military are alike Constitutional powers—the civil to protect life and property when it can, and the military only when the former has failed. As the Chief Executive I seek to restore, not to subvert, the judicial power. Your Honor has done your duty, and in perfect harmony with you I seek to do mine.

"It is not I nor the military power that has supplanted the civil authority; that has been done by the insurrection in the Counties referred to. I do not see how I can restore the civil authority until I "suppress the insurrection," which your Honor declares I have the power to do; and I do not see how

I can surrender the insurgents to the civil authority until that authority is restored. It would be a mockery in me to declare that the civil authority was unable to protect the citizens against the insurgents, and then turn the insurgents over to the civil authority. My oath to support the Constitution makes it imperative on me to "suppress the insurrection" and restore the civil authority in the Counties referred to, and this I must do. In doing this I renew to your Honor expressions of my profound respect for the civil authority, and my earnest wish that this authority may soon be restored to every County and neighborhood in the State.

"I have the honor to be, with great respect,
Your obedient servant,
W. W. HOLDEN, *Governor.*"

"STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT, RALEIGH,
Aug. 15th, 1870.

"To the HON. R. M. PEARSON,
Chief Justice Supreme Court of N. C.:

"DEAR SIR: In my answer to the notices served upon me by the Marshall of the Supreme Court, in the matter of Adolphus G. Moore and others, *ex-parte,* I stated to your Honor that at that time the public interests forbade me to permit Col. George W. Kirk to bring before your Honor the said parties; at the same time I assured your Honor that as soon as the safety of the State should justify it, I would cheerfully restore the civil power, and cause the said

parties to be brought before you, together with the cause of their caption and detention.

"That time has arrived, and I have ordered Col. George W. Kirk to obey the writs of *habeas corpus* issued by your Honor. As the number of prisoners and witnesses is considerable, I would suggest to your Honor that it would be more convenient to make return to the writs at the capitol in Raleigh. Col. Kirk is prepared to make such return as soon as your Honor shall arrive in Raleigh.

With great respect,

Your obedient servant,

W. W. HOLDEN, *Governor.*"

"RALEIGH, August 18, 1870.

"*To His Excellency* GOVERNOR HOLDEN:

"DEAR SIR: Your communication of the 15th inst. was handed to me by Mr. Neathery.

"I will be in the Supreme Court room at 10 o'clock A. M., 19th inst., to receive the return by Col. Kirk, of the bodies of A. G. Moore and others, (in whose behalf Writs of Habeas Corpus have heretofore been issued by me,) together with the cause of their arrest and detention.

"Receiving the return after the delay to which you allude of several weeks, is not to be taken as concurring, on my part, in the necessity for the delay, or as assuming any portion of the responsibility in regard to it. The entire responsibility rests on you.

I was unwilling to plunge the State into a civil war, upon a mere question of time.

With great respect,

Your obedient servant,

R. M. PEARSON, *J. S. C.*"

One morning, during the spring of 1870, Chief Justice Pearson called to see me at my house. We conversed a good while. Among other things, he said, " The Senate of this State had been chosen for four years." He said it was chosen for four years and he could prove it beyond question. He said he hoped I would confer with him, and that I would aid him in a case to be made up by the Supreme Court. I was surprised at the suggestion. The proposition was to me a new one. I had not thought of it. But I said to him: "Judge, the people in voting for the Constitution no doubt believed they were voting for two years for the Senate, and not four years. And besides it is written the different departments of government shall be kept always separate and distinct. According to this rule I could not beforehand confer with the court." He seemed to be, as he no doubt was, profoundly in earnest. The Senate at that time was by two-thirds Republican. It was the first Senate under the new Constitution. I did not think of the matter any more until I was impeached.[1]

[1] This account of Judge Pearson's opinion of the term of the Legislature of 1869-70 is of interest. In December, 1869, the Legislature adopted a resolution asking the opinion of the Supreme Court of North Carolina regarding the term for which it was elected. The reply of the court was made in January, 1870. Judge Pearson held that the term was two years, and Judge Dick concurred. The other Judges (Reade, Rodman, and Settle) refused to give an opinion, holding that the question was of a political nature. (Leg. Doc. 1869-70.) From these facts the conversation between Judge Pearson and Governor Holden must have taken place in the spring of 1869, not 1870. [ED.]

Again, the Honorable Nathaniel Boyden, one of my counsel, told me in Washington City, after my conviction, that Chief Justice Pearson, who presided over the court, did not believe me guilty, and gave him points to use in my defense. He said the Chief Justice said to him I had the right to refuse the writ in Alamance and Caswell; in other words, the writ did not run in those Counties. On my return from Washington City I repeated this to Mr. R. C. Badger, also one of my counsel. He said the Chief Justice had so told him.

Mr. Boyden was very anxious for my acquittal. He evinced deep feeling in the matter. He said to me one day: "Governor, I am authorized to say, and I do say to you, that if you would use your influence in the Legislature to call a convention, the impeachment proceeding will be stopped." I said: "Mr. Boyden, I am the first Governor under the new Constitution. I cannot support a convention to amend the Constitution at this time. The Constitution has hardly yet been tried. I am committed against the convention. I could not do evil that good might come." He seemed perplexed and troubled and said: "Why not? are you afraid to trust the people? I am disposed to think well of the Constitution generally, but it ought to be amended, and you are too careful and squeamish for your own good." I went over that day to the lobby of the House of Representatives and met Dr. Thomas W. Young, my brother-in-law, and a member of the House of Representatives, who said: "Governor, we want to call a convention and lack but eight or ten votes of doing so."

What do you say?" I answered, "Dr. I cannot agree to the arrangement to call a convention on my account." This showed that the matter had been talked about. To what extent, I know not. He added, "We can do it in both Houses, if you will agree to it." I said, "No, I cannot do it."

Chief Justice Pearson's defense of himself, heretofore referred to, and not sent to the House, but only published in the *News and Observer*, dwelt at length on the gross injustice done to him by my enemies in charging him that he was my tool. The fact that he was thus assailed and maligned afforded the best proof that he was my friend. If I had concurred with him, and made up the case for the Supreme Court, I could not have been impeached, for the reason either that the case would have been pending, or it would have been decided in my favor, for the Senate, as heretofore stated, was by two-thirds a Republican body, and if I had consented to Mr. Boyden's proposition, the proceedings of the impeachment court would have ceased.

It was rumored during my impeachment that articles of impeachment had been prepared against Chief Justice Pearson for acting as my tool in regard to *habeas corpus*. Whether this is so or not, I know not. If so, the intention was to have a victim, either myself or Pearson. In my own case it was calculated and believed that if I could be impeached and

[1] On Feb. 8th, 1871, a bill authorizing a convention was passed. But Tod R. Caldwell, Lieutenant Governor and acting executive during the impeachment, refused to order the election, holding that the convention bill was unconstitutional. In this view he was supported by an opinion of Judge Pearson. This makes Governor Holden's account of an offer to compromise the impeachment for his support of the convention all the more interesting. [ED.]

silenced the Republican Party in North Carolina would gradually and surely cease to exist. I know nothing about the motives of others, and I impeach no one as to their purposes; I simply state the naked facts, and leave the public to draw their own inference. I was certainly impeached by party managers and party counsel, by a party House of Representatives, and by a party Senate. And to show their fear of me as a party man I was declared unfit to hold office in my native State. This was the "most unkindest cut of all." I submitted to it all quietly. Suppose, for example, Chief Justice Pearson had said to the Senate: "Gentlemen, on calmly reviewing this entire case, I am obliged to say, as I have said already to Messrs. Boyden and Badger, the writ of habeas corpus does not run in the counties of Alamance and Caswell. By the authority given by the law, to-wit, by the Shoffner Act, the Governor had the right that whenever in his judgment it should be done, and he had done it already in both counties, all civil law is suspended, and the writ cannot be enforced. Therefore the Governor is innocent, and should be discharged." What would have occurred? He did not dare do that. If he had done so the Senate would in all probability have declared his seat as Chief Justice vacant, and would have filled the vacancy and proceeded with a new Chief Justice. In this they would probably have failed to command a two-thirds vote, and the Governor would therefore have been acquitted. I was solicited anxiously by many friends to run again for Governor. No doubt Caldwell, who succeeded me, would have given place,

to me and so would have Settle, who ran against Vance.

The seven managers of the impeachment appointed by the House, to-wit: Messrs. Sparrow, Gregory, Dunham, Welch, Johnson, of Buncombe, Scott and Broadfoot, and Ex-Governor Bragg, Ev-Governor Graham, and Judge A. S. Merrimon, as counsel, represented the State, and Messrs. W. N. H. Smith, Nathaniel Boyden, J. M. McCorckle, Edward Conigland, and R. C. Badger represented the respondent, Holden. The articles of impeachment, or the bill of indictment, consisted of eight articles. The respondent was acquitted by a two-thirds vote on the first and second articles. These two articles both contain the following words: "That by the Constitution of the State of North Carolina, the Governor of said State has power to call out the militia thereof to execute the laws, suppress riots or insurrections, and to repel invasion, whenever the execution of the law shall be resisted, or there shall exist any riot, insurrection or invasion; but not otherwise. That William W. Holden, Governor of said State, unmindful of the high duties of his office, the obligation of his solemn oath of office, and the Constitution and laws of said State, and intending to stir up civil war, and pervert personal and public liberty and the Constitution and laws of said State, and of the United States, and continuing and intending to humiliate and degrade the said State, and the people thereof, and to provoke the people to wrath, and violence, did, under color of his said office, on the seventh (7) day of March in the year of our Lord one thousand eight hundred and

seventy, in said State, of his own false, corrupt, and wicked mind and purpose, proclaim and declare that the county of Alamance in said State was in insurrection, and did, after the days and time last aforesaid, send bodies of armed, desperate and lawless men, organized and set on foot without authority of law," etc.

The vote on this first article was thirty (30) to convict, to acquit nineteen (19). Leaving out Mr. Edwards and Mr. James A. Graham of Alamance who occupied the seat formerly occupied by Mr. Shoffner — who had fled the State from fear for his life — and the vote would have been twenty-eight (28) instead of thirty (30) for conviction. On the second (2nd) article the vote was thirty-two (32) for conviction and seventeen (17) for acquital; omitting Graham and Edwards, the vote for conviction would have been thirty (30). Counting both names for acquital, as in justice and right should have been done, in the first case it would have been twenty-one (21); in the second, nineteen (19). The third article charging me with having incited and procured one John Hunnicutt to arrest Josiah Turner, Jr., had no foundation in fact, as I never gave Hunnicutt any such orders. This passed by four (4) majority over the required two-thirds. The fourth (4) article passed by thirty-three (33) to sixteen (16). It barely passed the two-thirds majority. The fifth article passed by forty (40) to nine (9). The sixth article passed by forty-one (41) to eight (8). The eighth article by thirty-six (36) to thirteen (13). On motion of Mr. Senator Gra-

ham, of Orange, the judgment of the court was then prayed on the respondent in the third, fourth, fifth, sixth, seventh and eighth articles, and he was removed from the office of Governor, and disqualified to hold any office of trust or honor under the State of North Carolina. Mr. Moore of Craven, said: "Before the vote is taken, with the permission of the court, I would like to make a statement in regard to the vote I am about to cast. I would not object to the order offered by the Senator from Orange, Mr. Graham, if it merely pronounced a judgment removing the respondent from his office. I think that under the evidence which has been elicited in the case the penalty providing for disqualification of the respondent to ever hold office in this State is severe. Because that feature is included in the judgment I shall be compelled to vote against the order." Mr. Senator Cowles also said: "Mr. Chief Justice, I desire before the Court shall finally adjourn, to say that I regret that the court did not take a day to mature and consider its judgment. I am by no means satisfied with the propriety of the disqualifying clause contained in the order of judgment adopted. I simply desire to make this statement and ask that it appear in the published proceedings." The vote was then taken on Mr. Senator Graham's motion and resulted, yeas thirty-six 36, nays 13. The Senate as a court of impeachment then adjourned, *sine die.*

I attended every day, very promptly, the impeachment trial up to the eighteenth day. On that day Josiah Turner, Jr., was a witness. I quote from the nine hundred and sixth (906) page of the "Im-

peachment Trial of Governor W. W. Holden."....

Q. What are your personal feelings towards the accused? Are they friendly? A. I suppose as good as they ever were.

Q. That is not exactly answering my question — What are they now? A. They are just what they ought to be between a good and a bad man.

THE RESPONDENT. Mr. Chief Justice, I will not submit to this language. I am not going to be insulted here.

Senator Edwards, Mr. Chief Justice, I rise to a question of order. The Respondent can only be heard through his counsel.

The Chief Justice. Are you on good or bad terms with him? A. There are no terms between us. I have never passed a dozen words with him in my life. I never had any social relations with him. I never passed a dozen words with him in my life — hardly a good morning.

Of course I retired. Mr. Turner said in his evidence that he had never passed a dozen words with me in his life. Mr. Turner, when in Raleigh during his canvassing for the Confederate Congress, talked with me for some time and he and I adjourned to Mr. Lougee's restaurant on Fayetteville Street, and took a drink together of Lougee's whiskey. My paper, *The Standard,* was for him for Congress, and really elected him over Mr. Arrington. Mr. Turner was forgetful, as I am myself.

In a few days I left for Washington City. In the course of a day or two I called in to see President

Grant. He asked me if I knew that a number of my triers, members of the Senate, were Ku Klux. I told him I supposed they were, but that was a matter for his Attorney-General and my two Senators. I had heard soon after my impeachment from a Democrat of character that the Dens had decreed my impeachment. In regard to my power as Commander-in-chief of the Militia of the State, I relied for power to pursue the course I did on the act known as the Shoffner Act, which passed in January, 1870. This act provided in express terms that the Governor "when in his judgment it was proper to do so, could proclaim counties in insurrection, thereby suspending the operation of the civil law." I had never heard the constitutionality of this act questioned. Leading men in the Democratic party who had determined in advance on my impeachment had quietly and sedulously produced the impression that this act was unconstitutional. I have before me a letter dated, Goldsboro, August 31, 1883, from William A. Allen, a Senator from Duplin and Wayne at the session when I was impeached, and who voted against me. In this letter he says: "I also want to say to you that I have had, and while you were on trial in your impeachment, I said to Governor Bragg that I had some difficulty about as a lawyer in the question of your guilt, and asked him to discuss it, which he did not, and that was, as to whether you could justify under the Shoffner act, an unconstitutional act of the Legislature. It was the difficulty of the case with me. I have wanted to say this to you several times but a favorable opportunity has never

presented itself. Governor Bragg declined to express himself to me on the subject, and sedulously avoided it in his discussion."

Mr. Allen was a special personal friend of mine, and an honest man. It will be seen that he speaks of the Shoffner act as unconstitutional. Who told him so? Had the Supreme Court said so? No. Had the Chief Justice said so? No. Mr. Allen himself was a good lawyer, but not of the order of lawyers of which I have just spoken, who seriously inculcated an opinion which they failed to boldly and frankly assert. Shoffner, poor man, was driven from the State. His life was threatened and his name blotted out as far as the impeachers could do it, and the impression prevails generally among my enemies that the Shoffner act was unconstitutional. No good lawyer of any party will say so now. Mr. Shoffner left this State in September, 1870, and I have before me a letter from him dated Pittsboro, Indiana, October 12, 1870. I did not reply to the letter, and have not heard from him since. Whether he is living or dead I do not know. But one thing I do know, and that is, the State of North Carolina, which allowed him without cause to be driven from the State ought to reimburse him for his losses incurred in being broken up and driven out. His only offense was that he was the author of the act which passed the Senate and the House authorizing the Governor to declare counties in insurrection, to put down the Ku-Klux, and against lynch or mob law. "His offence hath this extent, no more." Whether living or dead, wherever he is, he is a true man and a

worthy citizen. He represented Guilford and Alamance in the Senate.

Ex-Governor Curtis H. Brogden is now like myself, an old man. I saw him first in 1838, a member of the House of Commons from the County of Wayne. He is a man of unquestioned integrity and veracity. He has been in public life nearly all his life, and as they used to say in olden times, speaking of men, "his word is always as good as his bond." It is a pleasure to have such a man for a friend. He sat in the Senate patiently throughout the whole trial. I have lately written him for the facts in the trial and for his impressions. It is now twenty (20) years since it took place and I would like to be sustained in my recollections. . . . . .

'AT MY COUNTRY HOME, NEAR GOLDSBORO, N. C.,
Feb. 12, 1890.

"GOV. W. W. HOLDEN:

"'My Esteemed Friend:— I was pleased to receive your kind letter but was very sorry to hear of your bodily affliction.

"I often think of your laborious, useful, and eventful life, and the vicissitudes through which you have passed, and my warmest sympathies and best wishes are for you.

"Although you have suffered great wrong and injustice by the malign influence of partisan animosity, you will still live in history as one who has 'done the State some service.' While the past is gone and cannot be recalled but in memory, we should look hopefully forward to the rewards of the true Chris-

tians in a fairer and better world, 'where the wicked cease from troubling and the weary are at rest.'

"The 'sketch' to which you allude, especially to the impeachment, is too important for me to do anything like justice to without some time for preparation. I shall be glad to assist you if I can some time hence when I have more time and better opportunity — I mean time to spare from my daily labors. It seems that your greatest offense was in trying to stop crime, while acting under the Constitution and laws, because the laws then in existence fully authorized you to do what you did do. The whole history of your administration as Governor shows that you did all you could to maintain and preserve peace and order among the people and to stop the many and abominable Ku Klux crimes. This is shown by your proclamation and by your letters to Dr. Pride Jones, a prominent democrat of Orange, T. A. Donoho, a prominent democrat of Caswell, and Capt. N. A. Ramsay, a prominent democrat of Chatham County, earnestly requesting them to use their influences in their respective counties to stop lawlessness and crime, and suppress the violence and outrages of the Ku Klux Klan, when no one was safe at night at home, who happened to come under the displeasure of those wicked bands. The civil authorities were powerless to bring these offenders against law and humanity to justice. They compelled Shoffner, a Republican Senator, to leave his own home in Alamance, sacrifice his property, and flee to another State to avoid being murdered.

"The Legislature then passed an act to hold a spe-

cial election to supply his place, on the 24th of December, 1870. They were in such hot haste to fill his place that the act was only passed the 17th of December, 1870. The Republicans were so disheartened that they took no interest in the election; indeed they were intimidated and afraid to try to vote, and the democrats carried the election their own way and elected James A. Graham. That was a democrat in place of a Republican; but the democratic Senators still thought that there might be some doubt about their having sufficient strength in the Senate to pass their impeachment resolutions, so they went to work to unseat R. W. Lassiter, a Republican, who was honestly and fairly elected, and to put L. C. Edwards, a democrat, who was not elected, in his place. They passed an act on the 6th of December, 1870, appointing W. A. Allen, Senator from Duplin, 'a commissioner to take the depositions of such witnesses as might be produced before him at such times and places as he might designate.' The commissioner was given all the powers of a judge of the Superior Court, and was to decide upon the competency or relevancy of testimony. It was a one-sided business, as the commissioner was in the interest of the democratic party, and only allowed such evidence as he wanted, and upon that Lassiter was turned out and Edwards was put in his place.

"It was then ascertained that Moore and Lehman, two Republican Senators from Craven, would vote with the democrats for the impeachment resolutions,

and on that question they *shamefully misrepresented the party that elected them.*

"It was by such means as these that (that) democrats got votes enough to pass their impeachment resolutions in the Senate. On the day the final vote was taken, two of their Senators, I mean Dargan and Murphy, were brought in by the doorkeepers drunk, but as to that, they had as well been drunk as sober, as it had been decided in caucus to pass the resolutions.

"Among the first acts passed by the democratic Legislature of 1870-71 was an act to repeal 'an act to secure the better protection of life and property.' The repeal of that act only encouraged the Ku Klux to continue their lawlessness and crime. They thought they would be protected.

"The impeachment trial proved that the Ku Klux were so numerous that no one could deny their existence. It was shown in Alamance County a majority of the democratic voters belonged to the order, and that Albert Murray, the Sheriff of the County, was a member of it, and was chief of a Ku Klux camp near his residence, and there were ten Ku Klux camps in Alamance County.

" You were charged falsely with 'intending to stir up civil war and subvert public and personal liberty, and the Constitution and laws of North Carolina, and of the United States, and contriving and intending to humiliate and degrade the people.' I believed then, as I do now, that this charge was false, and after you have suffered under that and other false charges for twenty years I think it is high time for

the Legislature to do you justice, by restoring you to the equal enjoyment of all the rights and privileges of a free citizen of North Carolina.

"At the Ku Klux trials in Raleigh, in 1871, when Shotwell and others were convicted and sent to the Penitentiary for their crimes, it was ascertained that there were so many of them in the State, and their crimes were so numerous, that many good democrats became alarmed about the future success of the democratic party in the State, and some of the most prominent democrats who attended the Court and heard much of the evidence in regard to the Ku Klux crimes addressed the following letter, dated Raleigh, September 30, 1871, to Hon. H. L. Bond, Judge of U. S. Circuit Court.

'Sir: We have the honor, in the interest of the peace of the people of North Carolina, to address you this note. The fact that a secret, unlawful organization, called "the Ku Klux or Invisible Empire," exists in certain parts of the State has been manifested in the recent trials before the Court in which you preside. We condemn without reservation all such organizations. We denounce them as dangerous to all good government, and we regard it as the eminent duty of all good citizens to suppress them. No right minded man in North Carolina can palliate or deny the crimes committed by these organizations.

'In presenting these considerations to your honor, we declare that it is our duty and purpose to exert all the influence we possess and all the means in our power to absolutely suppress the organization and to

secure a lasting and permanent peace to the State. The laws of the country must and shall be vindicated. We are satisfied, and give the assurance, that the people of North Carolina will unite in averting, and forever obliterating an evil which can bring nothing but calamity to the State. In the name of a just and honorable people, and by all the considerations which appeal to good men, we solemnly protest that these violations of law and public justice must and shall cease.

We have the honor to be, etc.,

(Signed) Thomas Bragg, Daniel F. Fowle, B. F. Moore, M. W. Ransom, R. H. Battle, Jr., Geo. V. Strong, Joseph B. Batchelor, Wm. M. Shipp, Will. H. Battle, and D. M. Barringer.'

"Gov. Bragg was at that time Chairman of the Democratic State Executive Committee, and after his death D. M. Barringer took his place. I should like to copy the whole letter if I had space, but I have not. It was a strong appeal to Judge Bond for clemency and mercy. Col. Wheeler published it in his Reminiscences and Memoirs of North Carolina, under the head of Warren County.

"When a large number of Ku Klux were to be tried at Columbia, S. C., it was reported that Gen. Wade Hampton, and other prominent democrats, employed that eminent lawyer of Baltimore, Reverdy Johnson, at a fee of $10,000, to go to Columbia to defend them. He went, but after going into the trials and hearing the evidence, the proof of their many atrocious crimes was so strong and conclusive that he could not defend them, and his speech was a powerful appeal for

mercy and pardon. He admitted their crimes and their guilt, and could only beg for mercy.

"The Ku Klux trials in the U. S. Court at Raleigh, in 1871, revealed the fact that many horrid outrages and crimes had been committed by them in different parts of the State. It was unknown how many of these, if they were ever brought to trial, would have to go to jail, to the penitentiary, or to the gallows, and that was the reason why those leading democrats desired the postponement of the matter, if possible, it was thought, until the meeting of the Legislature, so that they could then get an act passed granting amnesty and pardon for all the Ku Klux.

" When the Legislature met it did pass 'an act for amnesty and pardon' for all the crimes committed or charged to have been committed previous to the first day of September, 1871, and every Ku Klux in the State was granted full and complete 'amnesty and pardon,' even for 'wilful murder, arson and burglary.' They were all given the benefit of this act.

" If the Legislature thought proper to pass 'an act for amnesty and pardon' for all the crimes committed by the Ku Klux, or in their name, there can be no good reason why the Legislature ought not to pass an act to relieve or pardon the man who did the best he could, while acting under the law, to stop the Ku Klux crimes. It is absurd to say that a subsequent Legislature cannot repeal, abrogate, or revoke any act or resolution of a former Legislature. To assert that one Legislature cannot alter or repeal any of the acts of a former Legislature is to assert that any

of our laws, however unjust and injurious they may be, can never be altered, but remain as unchangeable as the laws of the Medes and Persians. Such an absurd heresy cannot be seriously entertained by any man of common sense in North Carolina.

"I must now close. I did not intend to write a political letter, but I have been compelled to refer to the democratic party in order to vindicate the truth of history. I would not misrepresent anybody or any party if I knew it. I have spoken from the record, and I might speak a great deal more from the record were it necessary. But let this suffice for the present.

"I am willing to confer with our friend Neathery in regard to carrying out your wishes, if we should be the longest livers. But I hope you will live to publish your Book in your lifetime and in your own way. I have no doubt that it will be a valuable contribution to our history.

"Hoping that God's greatest blessings may rest upon and abide with you always and that your days on earth may still be many and happy, I remain, with my highest regards and best wishes,

Your true and faithful friend,

C. H. BROGDEN.[1]

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[1] The views of Governor Brogden and the correspondence with Thomas Goode Tucker, given on a later page, have convinced me of the propriety of publishing the following letter written by Edward Conigland to Thomas L. Clingman, during the constitutional convention of 1875. [ED.]

HALIFAX, N. C., September 21, 1875.

Gen. Thos. L. Clingman, Raleigh, N. C.

DEAR SIR: It seems that an ordinance for the removal of Mr. Holden's disability will be called up tomorrow, for the consideration of the Convention, and that it is probable, it may meet with your support.

Were I to attempt to discuss this question, I could not say anything that will not be much better said by others. I write simply

In regard to this act passed, granting amnesty and pardon for all the Ku-Klux, including the forty-nine (49) bound over by the Supreme Court for the murder of John W. Stephens and Wyatt Outlaw, and who were never tried because of this act, I may here state that being in Hillsboro in the fall of 1872, I was invited by Colonel Thomas Ruffin, deceased, to his room, and there he appealed to me in most earnest terms to agree to this act or rather not to oppose it. I agreed not to oppose it, especially as he mentioned

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to submit a view of the case which is very different from that entertained by the public generally.

Mr. Holden is regarded by the Conservatives of the State as the prime mover in all the political crimes with which he was charged. But the knowledge obtained by me, as one of his counsel in the impeachment trial, enables me to say that he was rarely, if at all, the instigator of any of the measures for which he stood impeached, so bitterly, and so justly, complained of. Men in public position are but the exponents of the party in which they belong, and a true analysis of Mr. Holden's conduct proves that he was no worse than those who placed him in power, and was, in fact, made the scape-goat for their sins. Of all the men who, when he was in office, took an active part in the government of the State, he was, in my opinion, in all respects the best. Yet many, if not most of them, deserted him in his hour of need, although if he had not been restrained by his sense of honor, he could easily nave proved, on his trial, that he had often resisted their counsel, and that many of the measures which he adopted and which brought his difficulties upon him, were the result of their persistent urging. His errors were of the head and not of the heart.

Mr. Holden had bitter enemies, and on his trial some seemed to pursue him with a malignity born of hate. It is due to this, that the penalty of disqualification from office was imposed upon him. If any of his friends had made a *bona fide* effort to divide the question, so as to have taken the sense of the Senate, first on the removal from office,and secondly, on the disqualification to hold office, the disability, in my opinion, would not have been imposed but, in fact, the matter was allowed to go by default.

Possibly I may have suggested a view of the case different from that entertained by some members of your body, and therefore if this letter can disabuse the mind of any of them of prejudices against Mr. Holden, you will please use it in his behalf. Were I a member of the Convention I should unhesitatingly vote for the removal of Mr. Holden's disabilities, and I do not know an intelligent Conservative in this nation, who would not do likewise.

With high regard,

Truly yrs,

EDWD. CONIGLAND.

the fact that a number of young men who had fled the State were anxious to return, and lead different lives; and he mentioned especially of that number a young man who had been a witness in my impeachment, and who had sworn in that trial that he was never a Ku-Klux, and was hanged unjustly by Bergen. It turned out at last that with seventeen others he had been presented by the Grand Jury of Alamance as a Ku-Klux, and one of the murderers of Wyatt Outlaw. I at that time agreed to a correspondence with Mr. Boyd at Colonel Ruffin's request, which was published in the newspapers in which we both assented to this amnesty bill. The act passed, and became a law, and so all the Ku-Klux were pardoned in advance. Not a word was said in either House by the Democrats about my pardon. My friends were not inclined to ask for my pardon, because they said I had done nothing to be pardoned for.

After this (my impeachment) I could not hold office under the State government. I could only hold Federal office. In 1873 President Grant offered me the Raleigh post office. I accepted it, and held it four years. In 1877, when my first term was out, I wrote to President Hayes and asked to be retained. He continued me for four years. And then under General Garfield, who was President, I asked to be continued for four years more, and he refused. I had run the office eight years, on the sum allowed at the beginning of the eight years. I worked very hard, and so did my clerk, because the business of the office had increased fifty per cent at least. At

the beginning of General Garfield's administration, in response to my urgent request, he increased the sum to $550.00. With this I employed a Negro man as clerk. Previously during the eight years referred to, I had paid out of my own pocket for two years to a clerk who by law could get only four hundred dollars; that is my chief clerk and myself paid him $150 per annum for two years; I paid (altogether) $150, and my chief clerk $50. The opposition to my continuing in the post office arose from the fact that I didn't employ Negro clerks. I had been, and still was, a Grant man against all comers. I went to Washington to see about it. I saw the President by appointment. He was very polite and kind, but said he had promised the place to another. I told him that was the only place I wanted, and he said, "Governor, I know your history well, and I am every way disposed to give you some place. Select any place I have, and you shall have it, but not this one." I might then have said, "Mr. President, as you have said any place you have is at my disposal, then give me the collectorship of the Fourth Collector's District in North Carolina." Of course he would have done it, for he was so pledged. But I could not do that; for the office was occupied by Col. I. J. Young. On leaving the White House I saw Mr. John Nichols, and said to him: "John, the President is going to appoint you." I was also opposed by Judge Tourgee, a Northern man, and Colonel Shaffer, the present postmaster, also a Northern man.

I publish the following correspondence that took place in January, 1887, in relation to the removal of

my disabilities imposed by the impeachment and conviction. Mr. Tucker is since dead. He was a fine specimen of the old-time gentleman, and an Andrew Jackson Democrat who never wavered. He had taken my paper for years, and knew me well, and was attached to me as a friend.

"SOUTH GASTON, N. C.,
"January 8, 1887.

"*Governor* W. W. HOLDEN.

MY DEAR SIR:—You will probably be greatly surprised at receiving this note and equally so at the suggestion it contains. You must recollect that I have been an attentive observer of political events of a local as well as of a general nature. Now is the time for action on your part to endeavor to obtain a removal of your disabilities. I would suggest that the move be made by an independent Democrat. I think that Richmond Pearson would prove the most serviceable, although I know nothing of him except what was developed in the canvass for the Legislature. He certainly has pertinacity of a useful character, and this, when backed by good sense, moral worth, and truth, is of great value in a political move such as is here suggested.

"It is a matter of no moment whether success attends the effort or not, so far as your political future is involved. I presume you understand all that without an explanation from me.

Respectfully,
THOMAS GOODE TUCKER."

"RALEIGH, January 22, 1887.

"THOMAS GOODE TUCKER, Esq.

My dear Sir:—Your kind letter has been received. I am grateful to you for your suggestion in relation to my disabilities, but I cannot myself take any action on the subject.

"Two years ago Mr. Gudger, the Senator from Buncombe, interested himself in the matter, and showed me a list of a majority of Senators who had pledged to vote for my relief, but he said that one of the Senators, (now Judge Connor) had announced his purpose to oppose it in debate.[1] I then told Mr. Gudger he would bear witness that I had not asked for it; that to be a gracious and friendly act it should be voluntary; that I did not want the people to be excited and angry about it which would follow debate in the two Houses; and that he would please drop the matter. This he did with much reluctance.

"What I did as Governor was done under oath before the world, from no other motive than to uphold the Constitution and the law, and I was not at all influenced by party feeeling or policy. All my proclamations running through a space of eighteen months teemed with an appeal to the people of the State without regard to party or color to rally to the support of the law, and thus avert the alternative forced on me. I cannot beg for my pardon, and thus admit my guilt any more than Mr. Davis can. If he should do that, I should feel that I had lost part of my respect for him. Only one thing touching the pro-

[1] H. A. Gudger, of Buncombe, Democrat. H. G. Connor, Democrat, was chairman of the Judiciary Committee of the Senate. [ED.]

ceedings against me gives me pain, and that is the utterly unfounded charge that I acted corruptly and wickedly and in defiance of the Constitution and the law. In all I did I had only in view the maintenance of the law and the quiet and happiness of the people.

"I was glad to hear from you. I am glad to know that you have been spared to a happy and serene old age, and I sincerely trust that your last days may be in all respects your very best. Your voice to me is a consoling and cheering one from the domain of the past, for I am still a devotee of what the Democratic party was before the war. Now, I have no party, but I do not regret that I gave the best years of my life to build up that party before the War. War implies desolation and change and new things.

"Your cousin, my dear wife, desires to be kindly remembered to you. We should be very glad to see you in Raleigh during the session of the Legislature. By all means come and stop with us.

"P. S. Please do not understand me as uttering any language against my native State. I love my mother State, no matter how she treats me. I am satisfied with a sense of my own integrity.

W. W. HOLDEN.

But friends like Mr. Tucker have insisted that I ask the General Assembly to lift the ban which is upon me. I trust I am not foolishly proud, and that while I am hurt but not angered, I feel acutely the fact that I am pronounced by my mother State an unfit person to hold office. I cherish no resentment towards any person for what has occurred in the

past. I am at peace, or would be, with all men. My life has been a somewhat stormy one, but it is well nigh over. I wish to die with no earthly or heavenly ban on me, and I would that the world would accept the Golden Rule of the Divine Master, "Do unto all men as ye would they should do unto you." I am now walking quietly and serenely on the shore of that "great ocean I must sail so soon."

This is most probably the last letter I shall ever write to the public.

MY LAST LETTER TO THE PUBLIC.

We live in altered and in new times. The events of the past, and the condition of things in the present, warn us of the paramount importance of Law and Order. There is no safety to society save in the reign of Law. I have always held this as a citizen and as an officer. I hold it still, with added tenacity, if possible. The paramount thought with all public officers should be, What is my duty? Not what the crowd, or the mobs, or bodies of friends desire or advise, but what is right now, without regard to party. George Washington himself warns us against the fatal danger of party spirit. General Andrew Jackson does the same. Their farewell addresses are invaluable. General Jackson once said to Col. Bedford Brown, his personal political friend, "Colonel Brown you will live to see a great civil war in this country about slavery. I will not live to see it, but I put you on your guard. The tariff has been proclaimed by Duff Green too weak to divide the Union, but he says slavery is strong enough to do it. Mr.

Calhoun and Mr. Preston make speeches for the South and against the North, and the North in turn assails the South. One side cuts the wood and lays it down and the other sets fire to it. If this sectional feeling is continued I fear the worst." Jackson and Washington were wise and forecasting. We now have a restored Union. It is the strongest government on the face of the earth. It really seems to possess all power. The States are not very powerful, and never will be. The rights of States are dead. I simply state facts. I do not say who did this thing or that thing. I speak only of results.

Mr. Webster said in one of his great speeches in the Senate, that if the pillars of the Union should fall "they would be raised not again." It is not the same Union, and it never will be.

> "Pass on, relentless world, I grieve
> No more at all that thou hast riven.
> Pass on in God's name, only leave
> The things thou never yet hast given:—
> A heart at ease, a mind at home,
> Affections fixed above thy sway,
> Faith, set upon a world to come
> And patience through life's little day."

The public's most obedient servant,

W. W. HOLDEN.

APPENDIX

R. C. BADGER ON THE GENESIS OF THE MILITARY MOVEMENT OF 1870

On March 23, 1871, the day after the Impeachment proceedings were ended, Mr. Latham (Dem.), member of the State Senate, introduced a resolution raising a " Committee of Inquiry into the conduct of John Pool, U. S. Senator." The resolution was adopted by a vote of 30 to 8, and on March 30 Messrs. Latham (Dem.), Jones (Dem.), and Moore (Rep.), were appointed to make the investigation. The proceedings of the committee were not published in any of the legislative documents but in the newspapers. Those who testified were R. C. Badger, D. A. Jenkins, James H. Harris (col.), and I. J. Young. The most important witness was R. C. Badger. His testimony is here given because it brings out evidence nowhere else available, and because the newspaper files in which it was published have not been well preserved. The following report is that which appeared in the *Daily Sentinel,* April 8, 1871.

WM. K. BOYD.

Appendix

SECRET HISTORY OF THE HOLDEN-KIRK WAR.

INVESTIGATION COMMITTEE—TESTIMONY OF R. C. BADGER, ESQ.—SENATOR POOL'S PROGRAMME.

We are enabled to lay before our readers this morning a portion of the evidence taken before the special committee of the General Assembly appointed to investigate the conduct of Senator Pool in regard to the late outrageous conduct of Gov. Holden in his arbitrary arrests and imprisonments. We give Mr. R. C. Badger's testimony in full, and will follow it by that of other witnesses:

Richard C. Badger being duly sworn, deposes and says:

Question. Do you remember being present at a meeting or consultation in the Executive office, in the city of Raleigh, between Gov. Holden, John Pool and other members of the Republican party, on or about the 8th of June, 1870? If so, state what occurred, and particularly what was said and done by Mr. Pool.

Answer. Some time during the last summer term of the Supreme Court, and I think during the first week, Pool was here in Raleigh. As I heard from him, and know from seeing him in the room, and hearing him argue causes, he was at that time in at-

tendance upon the Court. Some time during that week, I think, and if not, then certainly in the next week, I was asked to go to Gov. Holden's office to consult in regard to the outrages in Alamance, Caswell, and other portions of the State. It was stated to me by the person who invited me that Mr. Pool and several other leading Republicans would be present. I cannot say positively at what time of the day the meeting began, but my impression is about 3 o'clock. It was very protracted. During the continuance of the meeting several persons who were not there at the beginning came in, and several who were at the beginning went out. My recollection is not perfect as regards all the persons who were present, but the following, at least, were some of them, to wit: the Governor, John Pool, Jas. H. Harris (col.), Isaac J. Young, Gen. Willie D. Jones. I do not recollect distinctly about Col. Clarke, but think he was, but my impression is not very decided. My impression as regards the presence of Mr. Treasurer Jenkins is the same as that I have concerning Clarke, only one more decided. I am not certain as to United States Marshal Carrow or Auditor Adams. I think the latter was present, and I think the same as to Hood (col.) Assistant Superintendent of Public Instruction, and W. T. Henderson.

When I came in it was stated to me that the object of the meeting was to take into consideration what advice should be given Gov. Holden as to the course he should pursue to suppress the outrages in Alamance, Caswell and several other counties in the

State. There was a long discussion as to the condition of the State and the necessity of destroying what we called the Ku Klux organization. It was conceded by all present that the ordinary civil tribunals had failed to accomplish that object, and that unless some other force was brought to bear Republicans, white and colored, could not live in certain parts of North Carolina. There was, also, considerable discussion as to the remedy. In these discussions a great many of those present took no part — some were silent. I, myself, took an active part. It was very gnerally agreed that the military power would have to be used in some shape or other, and that this military power should be that of North Carolina, bcause the military force of the United States sent to these parts had accomplished no good.

Gov. Holden, during most of the conference, except those portions of it which referred to the bad condition of things in the two counties, was a listener and appeared to be anxious to hear suggestions. I sat near him during the entire conference, and at every suggestion made by any person he appealed to me, either by look, gesture or word, for my opinion in regard to it.

It was suggested to make a military occupation of the two counties, and to arrest, detain and try such persons as were suspected of complicity in the outrages said to have taken place there, by the military power. This suggestion was made by Mr. John Pool, in the first instance. I answered the Governor, who seemed to appeal to me for my opinion in regard to

it, that the military occupation and arrest were right, and, I thought, necessary, but the trial by military court was too dangerous an experiment for him to undertake; that he ought to send in conjunction with the military a judicial officer to try in accordance with our forms of law such persons as the military should arrest. It was said by Mr. Pool that this would not accomplish the object, and he, in this connection, called to the Governor's attention what Gov. Clayton, of Arkansas, had done under similar circumstances, which, in substance, was, according to his statement, as follows: that Gov. Clayton, having the same evils to contend with, had embodied his militia, taken military possession of disaffected counties, and tried and executed large numbers of men by military courts, and in that way had broken up the Ku Klux in Arkansas. Upon that some discussion took place between Gov. Holden and John Pool and myself, as to what its effect would be upon Gov. Holden himself. I insisted that all the consequences of a failure would have to be borne by the Governor, and Mr. Pool insisted that Gov. Clayton had made a success of it, and there was no reason why such a success should not result here. I then called attention to the difference in the conditions of the country — that what Clayton had done was shortly after the military occupation of his State by the armies of the United States, and that what was borne then would not be borne now. I was referring in that conversation mainly to trial by military court.

Mr. Pool and I then had a conversation in regard

to the same matter in the southwest corner of the Governor's office, in the Capitol, the result of which was that he agreed to the proposition originally made by me, that it would be better to send a judicial officer with the troops, and not, until that process had failed, to try the more violent remedy of military courts. I agreed with him that if the plan I had suggested should fail to discover and break up these organizations, that then the Governor should take the more violent course.

The matter then of the difficulties of the writ of *habeas corpus,* taking the arrested men out of the hands of the military officers, was discussed, I think nobody being a party to this conversation except the Governor, Mr. Pool and myself. The proposition, made by myself, was that the Governor should refuse to obey the writ of *habeas corpus* in those counties placed in a state of insurrection. Mr. Pool thought that bad policy, and that it would not work, and thought a better plan would be to answer the writ of *habeas corpus,* produce the bodies, and if discharged to arrest upon some new charge; that that was the plan President Grant had suggested.

In regard to the organization of troops, the first difficulty presented and discussed was the fact which was very generally agreed upon, that if the military was called out it would have to be white or colored, in separate organizations, under our laws, or a detailed militia, as provided for in the Act of 1868. It was stated, I think by the Governor, that he had tried the white detailed militia and found it utterly ineffi-

cient; that the class of men who would submit to detail could not be relied on; that as regarded the white militia, we all agreed, at least those of us who took part in this discussion, that the Governor would be embodying a militia mainly composed of Ku Klux to put down Ku Klux; that as regards the colored militia it was inexpedient and impolitic to use them, owing to the prejudice in regard to race and color. It was then suggested, by whom I do not recollect, that it would be best to organize a regular force. This, I think, was concurred in by all who joined in that conversation. The persons present were grouped in different parts of the room, and the same parties did not always join in the conversation, nor were they in position to hear what was said. At this time many violent propositions were made, all of which I do not recollect, the question under discussion being where we could get white men suitable for the purpose in view. Mr. Pool stated, at that time, that there was a man in his county, or section of the State, by the name of Mac Lindsay, and he mentioned to me that I knew him, as he was a member of the State Senate in 1864-65. I had forgotten him, but upon this being sail I recollected him. Mr. Pool said he was a man of undoubted courage and capable of any desperate resolve, and by way of illustrating his capacity mentioned some daring act of piracy, of which I had not heard before, committed by the said Mac Lindsay, either during the war or just after its close, in the waters of eastern North Carolina, and that he, the said Mac Lindsay, had been indicted

therefor and only saved from punishment by his (Pool's) influence; that he would guarantee that this man, Mac Lindsay, would pick up from the county where he lived, and which was between the lines during the war, sixty or one hundred men equally as daring and brave as himself; that this man, Mac Lindsay, would give the Governor no trouble — that if these men, arrested by him, undertook any resistance he would kill them, or they would be lost and never heard of again. I do not undertake to state his exact words, but this was the substance of his conversation. The Governor at this time was sitting in his chair. He got up and walked nervously up and down the room for a few minutes before anything was said. I got up from the seat I occupied on the sofa, in the southwest corner of the room, and stated to the Governor, and it may have been in the presence of some others of the company, that such a proposition was infamous, and that if it resulted as suggested the Governor would be damned in the memories of men for all time. Mr. Pool then said I had misunderstood his meaning, that he did not intend that result, he wanted to illustrate the determined character of Mac Lindsay, and he may have qualified it in a good many other ways. He stated in this connection that Clayton's troops gave no trouble. At this time some other man who was present, I do not recollect distinctly who it was, said that he could furnish sixty or one hundred men of the same description from his county, and mentioned some wonderful exploits they had performed during

the war. All of these propositions and suggestions with regard to using such violent material were objected to by Gov. Holden.

At some time during this conversation, and when the propriety of using military measures was under discussion, and when Gov. Holden was, as I understood it, objecting to the means proposed, and seemed indisposed to undertake the movement, Mr. Pool said, in substance about this: "Governor, you do not know how they are talking about you in Washington. The Republicans there say you are a failure, and Grant says you and Smith of Alabama were made Governors of States by the Republican party under the reconstruction acts, and that you are sitting still and permitting these Ku Klux to take them away from you, or cause them to slip away from you."

There was a meeting next day at which only the Governor, John Pool and myself were present. Somebody suggested the appointment of Col. Clarke, who was in the city. Col. Clarke was sent for, and after persuasion, agreed to accept the command. I concurred.

Question. Who invited you to the conference in the Executive office?

Answer. I was invited by the Governor.

Question. State, as near as you can, the relative positions of the Governor, John Pool and yourself, and any other persons you can recollect.

Answer. Just previous to the time when Mr. Pool recommended his military plan, he had been standing, conversing with somebody, at the southeast win-

dow. The Governor was either in his chair or walking up and down the room between where his chair sat and the sub division between the southern windows, and I was sitting on the sofa near the southwestern window, or near the Governor's chair.

Question. What was Mr. Pool's manner?

Answer. My impression from his manner was that Mr. Pool meant what he said until his proposition met with disfavor; and then he varied his manner so as to induce the belief that he was jesting.

Question. Please state what was your inference, from the language of Mr. Pool, before his plan met with disfavor, of the character and antecedents of Lindsay.

Answer. I thought Lindsay a determined villain, capable of taking life at the instance of a superior without question. I drew the inference from Mr. Pool's statement, and that was my reason for denouncing it as infamous.

Question. Did Mr. Pool suggest the arrest of any parties, by name, or did he suggest the arrest of prominent gentlemen of the Conservative party in the State?

Answer. I cannot say, from my own recollection, with absolute certainty, that he did, and I am disinclined to the belief that he did. I have some indistinct idea of something of the kind, but I think it must have come from the newspapers, which I constantly read.

Question. Have you ever heard, until Mr. Pool made the statement, of the particulars as to which

Mr. Pool said Gov. Clayton had performed in Arkansas?

Answer. I had not. I had a confused notion from the telegraphic accounts of the newspapers, to which I paid little attention, such things being common, that Gov. Clayton was undertaking a military movement against certain portions of Arkansas.

Question. Did you understand Mr. Pool to approve and recommend to Gov. Holden the conduct of Gov. Clayton?

Answer. I did. My understanding was that when he related what Gov. Clayton had done he intended that it should be followed by Gov. Holden.

Question. Did Mr. Pool, in that conversation, give Gen. Grant's opinion of Clayton?

Answer. I am not certain that he did, but he did use Grant's name in connection with Gov. Holden and Gov. Smith of Alabama.

Question. Have you had any conversation or communication with the other parties who were present, who corroborate your statements? If so, who are the parties?

Answer. I have conversed with Col. W. J. Clarke in regard to this matter, and he said, though he had no distinct recollection of the specific conversation, he did recollect that many violent propositions were made, but none adopted. J. H. Harris told me, in front of the Court House in this city, in the fall of 1870, that in that meeting Mr. John Pool made some propositions, of which his recollection was not distinct, of a very violent character, and said something

about "losing men," or that "he had a man who would lose them." I have had a conversation with D. A. Jenkins who denies being present at the time; also with I. J. Young, who agrees substantially with the facts as I have stated them, and with Gov. Holden, who also agrees with the facts as I have stated them.

Question. When Senator Pool spoke of resistance, did you understand it as relating solely to instances of that kind, or rather that he would dispose of men in such a way as to relieve Gov. Holden of the odium and responsibility of such things?

Answer. I thought both from the first suggestion —that he, Lindsay, would do it in either case, and render courts martial unnecessary. He afterwards qualified it, but not until it had met with the disapproval of nearly every person present in that part of the room. He then qualified it as I have stated it, in my examination-in-chief.

Question. Did you infer from the conduct of the Governor, when the proposition was made by Pool, as stated, that his impression was the same as yours?

Answer. I so inferred; and further, that he disapproved of it.

Question. What is your best impression as to who the man was who, after Pool had spoken of Lindsay, said he could furnish sixty or one hundred men of like calibre, and what were their remarkable exploits?

Answer. My best impression is that D. A. Jenkins, the Treasurer, made the suggestion, and made it in an excited manner. Indeed, I know that Jen-

kins made the remark, and I am in doubt only as to time, as he might have made it on some subsequent occasion or meeting in the Executive office at which the matter was alluded to. I have forgotten what the exploits were, but a great deal of gasconade was indulged in in the way of description.

Question. In any of the conversations between Pool, Holden and yourself was any reference made to the effect on the coming election?

Answer. That was not the subject of conversation. It related to the outrages, though the election may have been alluded to incidentally, and I think it was in connection with the matter. It was suggested that unless the outrages were suppressed there could be no fair election in those portions of North Carolina where the Ku Klux were operating; and I think prompt action, by whom I don't recollect, was urged on that account.

Question. How many, in all, do you think were present in the first meeting?

Answer. Thirteen.

Question. Did they constitute the ordinary and legal counsel of the Governor?

Answer. No, and were not so understood to be, but a meeting of leading Republicans.

Question. When did the conversation between yourself and James H. Harris occur, and where?

Answer. Before the meeting of the Legislature, some time last fall, and in front of the Court House, in this city.

Question. What are your present party affiliations?

Answer. Republican of the straightest sect. My theory is a government of the strongest kind — a centralized government.

Question. Were you of counsel for Gov. Holden in the late impeachment trial?

Answer. I was.

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Holden, William Woods
Memoirs

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